BALSA Hosts Regional Convention

THE Black American Law Students Association (BALSA) continues to provide direction for the new generation of black lawyers. After being forged of the black community to the United States, BALSA convenes annually at a national and regional level. The Georgia chapter hosted the 1982 Convention for the Southern Region, which includes law schools in Florida, South Carolina, North Carolina, Mississippi, Louisiana, Virginia, West Virginia, Tennessee, Arkansas, Alabama, and Kentucky.

Ertharin Cousin chaired this year's convention. John Morse coordinated the Moot Court Competition, while Barry Brown and Pam Perdue helped coordinate the convention. Activities scheduled for the Regional Convention included various workshops covering such topics as voting rights, the role of the black attorney, black women and the law, and blacks and Reagonomics. During the convention, a new Southern Regional Board was elected.

A vital part of each regional and national convention is the Frederick Douglass Moot Court Competition. The Douglass Competition is an inter-law school competition sponsored by the American Bar Association's Division of College and University Affiliations.

HAZARDOUS ADVOCACY

"ARGUING the Law: The Advocate's Duty and Opportunity" was the title of the John A. Sibley Lecture for Winter Quarter 1982 presented by Dean Geoffrey C. Hazard, Jr. of Yale University. Dean Hazard is the 52nd Sibley lecturer to come to the Law School since the lecture series was established in 1964 by the Charles Loridans Foundation.

Dean Hazard holds the Nathan Baker Chair of Law at Yale and is Deputy Dean of the Yale School of Organization and Management. He has earned a reputation as reporter or draftsman for several codes relating to the legal profession, namely the American Bar Association's Model Rules of Professional Conduct (1981); the ABA Standards of Judicial Administration (1974-77); and the American Law Institute's Restatement of Judgments, Second (1973-present). In addition, he has authored seven books and 40 articles. He is a graduate of Columbia University School of Law. Hazard has been teaching law for over 20 years.

Noting that his was "a one idea speech—but that's all right, it'll raise the average," Hazard formulated his lecture around the intersection of two subjects: the function of advocacy, and the law of ethics. He expressed concern that the quality of briefs and arguments before the bench was low, that "the condition of legal advocacy is not very good." This opinion was not unique, however the Dean's stand regarding what was 'good' advocacy was provocative.

Lawyer's Failures

The problem, as Hazard views it, is that law students and lawyers are told repeatedly to be "candid, thorough, concise" and "to formulate the issues and go for the jugular," but few seem to be complying. He interprets these instructions as requiring the advocate to present briefs and arguments which provided with a complete analysis of the law, including the merits and weaknesses of the adversary's position, rather than espousing only the advocate's strong points. Hazard maintains that this complete analysis of the law includes candid concessions of any weaknesses in the advocate's own case.

The Reasons

Four explanations of attorneys' reluctance to concede weakness and deal with issues in toto were presented during the course of the lecture. First, advocates are afraid of con-
Pollution Controversy Seeps Into Law School

MEMBERS of the Environmental Law Association (E.L.A.) have joined forces with the Broad River Action Group (BRAG) in opposing the establishment of a paper mill on the Broad River in Elbert County near the Highway 72 bridge, according to Laurie Fowler, E.L.A. second year co-president. Fowler stated that the E.L.A. will generally support the efforts of BRAG and will provide legal assistance whenever necessary.

BRAG was formed last year by citizens concerned over the possible impact that the construction of the Georgia Kraft liner board mill would have on the Elbert-Madison-Oglethorpe tri-county area. The plant is expected to take eight million gallons of water per day from the relatively small Broad and would effectively preclude the establishment of any other substantial industry on the river. Six million gallons of waste water, ten degrees warmer than the ambient river temperature, would be returned to the Broad. While company officials claim the effluent would be safe for human consumption, environmentalists fear that the warmer water will promote the growth of bacteria and algae and could result in eventual fish kills.

The most obvious of the side effects would be a "rotten egg" smell that is released during plant operations and can be detected over a wide area. The smell results from the use of sulfuric acid in the industrial process which has also been cited as a cause of the "acid rain" condition.

Opponents of the mill emphasize that even if the company complies with state and federal pollution standards, the paper mill might have catastrophic results, citing the operation of a similar facility on the Flint river near Oglethorpe. Although the mill followed prescribed procedures, the resulting changes in air and water quality have substantially hurt the once thriving vacation trade, causing business declines of up to 40 percent.

BRAG and the E.L.A. feel that these factors weren't properly expressed in required public hearings that were held last October. Notice of the hearings was primarily limited to Elbert County, where the majority of the economic benefits of the mill would be felt. Consequently, few of the environmental concerns came to the attention of Federal and State authorities. A BRAG sponsored petition to re-open the public hearings was recently denied by the U.S. Army Corps of Engineers, the federal agency which must issue permits before the mill can be built.

The refusal by the Corps to reopen the public hearings does not mean that the construction of the mill is inevitable, however. Professor Milner Ball, who has acted as liaison between BRAG and the Corps, explains that the Corps will first conduct an environmental assessment of the proposed construction, then will decide if an impact statement will be issued. The impact statement would present all the significant environmental effects of the paper mill and available options involved. The Corps would then decide whether or not to issue Georgia Kraft a permit to build the mill. Professor Ball feels that the Corps will continue to carry out the permit issuing process in a fair and honest manner, but that the public input into the procedure has been dominated by industry and not by environmental concerns. Ball indicated that if an impact statement is not issued, BRAG and the group's attorney, Hugh Henry, will consider legal action against the Corps.

In the meantime, the fate of the paper mill is in the hands of the Corps and other state and federal agencies which are considering permits for the construction. It is a slow process, the outcome of which will not be known until later this year. BRAG, along with the E.L.A., will be making the most of the intervening time to make sure environmental factors are not overshadowed by promises of economic benefits.

Vince Draa

Semester Switch Under Study

CONVERSION to the semester system of instruction is scheduled for the Fall term of 1983, but implementation details have not yet been finalized. The burdens of transition will be borne chiefly by the classes of '84 and '85. Like a shot in the arm, the switch from quarter to semester will, at first, be a painful one. The academic health of the school, however, should be promoted by the change.

Semester Benefits

Some may view the conversion as mere conformism. After all, 155 of the 169 members of the Association of American Law Schools follow some form of semester calendar. But the administrators of the schools using the system offer many reasons in support, according to a study conducted by the law school at Mercer University. Among the reasons set forth are the following: use of semesters allows the in-depth study which law requires; student and faculty research and writing proceed under a more flexible schedule when there are two, rather than three, exam sessions. It is also easier to make up time due to illness under the system.

Other factors favor the semester arrangement. For example, textbooks are organized for semester-long courses, and semester curriculums reflect the required areas for bar admission more closely in many states. In addition, final exams will not be so soon after the February Bar exam in Georgia. Finally, registration costs and hassles are cut by one-third.

Universities such as Emory, Mercer, Tennessee, and Florida have recently converted to semesters and are satisfied with the results. The law schools at Emory and Tennessee use semester systems, while the rest of the university retains quarters as will be the case here.

Conversion Drawbacks

Mercer's study showed that the only drawbacks of a semester calen-

continued on next page
HONOR CODE CONSTITUTION WEAK

The student body unanimously adopted the Honor Code at the University of Georgia School of Law in 1930. The Honor Code imposes a duty on students not to "lie, steal, cheat" or conduct themselves in a manner "inconsistent with the rights of fellow law students," or engage in conduct with intent to gain an unfair advantage. Students are also under an affirmative duty to report violations.

The Honor Court supervises administration of and compliance with the Honor Code. Eight justices serve on the Honor Court. Two members represent the first year class, Susan Boyett and Tim Jennings. The second and third year classes have three members each, David Darden, Wesley King and Tim Toler represent the second year class, and Perry Duggar, Baxter Jones, and Celeste McCullough represent the third year class. Perry Duggar is Chief Justice.

The Honor Court's primary function is to hear cases regarding violations of the Honor Code. The court is empowered to determine guilt or innocence and mete out penalties. In addition, Honor Court administers all law school elections. The court selects five prosecutors to investigate and present cases. If a prosecutor determines after investigation that "there is reasonable cause to believe that a breach of the Honor Code has occurred," then the accused student is notified according to specific procedures set out in the Honor Code Constitution (HCC).

No uniform hearing procedures were available when a case came before the court in the fall of 1981. The court found little guidance in its files, where documentation of Honor Court cases varied from one term to another. Prior to the hearing, the court produced a set of procedures to follow. Consequently, the court has undertaken to promulgate procedures for future courts to follow.

These procedures are not subject to continued on page 10

National Team Takes Fifth in Finals

On January 12 through 15 the Law School National Moot Court Team competed with 28 schools in the National Moot Court finals in New York City. The 29 Finalists were selected from more than 150 teams competing at the regional level. Georgia was represented by team members Ken Gallo, Kristen Gustafson and Shelley Rucker. Professor Robert Brussack assisted the team.

In the preliminary rounds UGA defeated teams from Georgetown University and Boston University. After the first two rounds, Georgia was selected as one of the sixteen teams that proceeded to the octo-final round. In the octo-finals UGA met the University of Alabama and advanced to the quarter-finals round against the University of Tennessee. The Georgia team won the oral round by an unanimous bench. Nevertheless, the team lost that round on their brief. The University of Tennessee went on to win the competition. Georgia placed fifth overall.

(L to R) Prof. Robert Brussack (assisting), Kristen Gustafson, Ken Gallo, Shelly Rucker.
Young Comes to UGA for “Mutual Consideration”

The newest member of the Law School faculty is visiting Professor William F. Young. On temporary leave from Columbia University, Professor Young will hold the recently established Herman E. Talmadge Chair of Law, the ninth endowed faculty position. Last week he shared his thoughts on a variety of subjects with In-House.

“Athens is exactly as I expected it to be,” he said. “My home is a small, deep-East Texas town, Marshall, which is not strikingly different from Athens, all pine trees and red clay hills. I longed for it all the time I was in the city.” With a soft trace of a Texas accent, Mr. Young confessed that he missed the ballet, theatre, and “good FM music” that New York offers, but is resigned to being “about equally happy and equally unhappy wherever I am.”

He finds Georgia students “more genteel” than their counterparts at Columbia, and not as intensely competitive for grades. “I’ve taught at a great many schools,” he said, “and competition for marks is stronger at Columbia than at any other school at which I’ve taught.”

While the students at Columbia may be more competitive, Mr. Young sees no great difference in “the style or objectives of the schools,” and although he believes that “competition in intellectual matters is a good thing,” he recognizes that excessive competition for marks “can be damaging to both the institution and the people.”

Two of his former students, Associate Professors Eric Holmes and Ellen Jordan, welcomed Professor Young to Georgia, and their presence was an important consideration in his decision to teach here. “I’ve gotten to know a number of the faculty here over the years, and it makes a great difference to me to have acquaintances and friendships already established.” Reflecting on the life of an academic, Mr. Young shared his belief that “the greatest reward of teaching law is the company one keeps.”

Mr. Young obtained the LL.B. degree from the University of Texas at Austin in 1949 and subsequently accepted a faculty position there. After post-graduate work at Harvard in 1952–53, he continued his long and distinguished career as an academic lawyer, teaching at Duke, Stanford, and Berkeley before teaching at Columbia. Asked why he chose to teach rather than practice law, Professor Young replied that “In my time, the opportunity to teach was itself a very high accolade. I think that is still true,” he added, “though perhaps not to the same degree.” Moreover, for this quiet, serious man there is another incentive. “In teaching, one can think about what he wants to think about,” he said, “and that’s not really so in practice. To me, that’s an immense luxury, and I’m sometimes self-indulgent about it.”

Mr. Young is the quintessential professor; reading, writing, and teaching law are his consuming interests. “I don’t do much relaxing,” he said, though he admits to reading fiction, water skiing, and admiring camellias. “I’m not,” he laughs, “one of your colorful characters, either in class or out.”

Alternatives

Each issue In-House plans to present a review of local eating and drinking establishments. The first installment of “Alternatives” covers “Blanche’s” in downtown Athens.

“Honey, you think you know somethin’? Well, you got a lot to learn.” Blanche’s Open House and Grill, “specializing in breakfast,” is a satisfying place to end the night or get an early morning start. Blanche’s caters to a nocturnal clientele; operating hours are 9:00 PM to 8:00 AM, Monday thru Saturday.

Blanche whips up down-home good omelettes served with toast and grits. The omelettes are huge and can be seasoned to order, but patrons are advised to request a second glass of water when ordering a Western omelette, “extra hot.” Dinner plates and a variety of sandwiches are also available and reasonably priced. A crowd starts to gather after the bars close, but service is always “faster than a New York second.”

The Open House and Grill operates in unimpressive facilities. The large plate glass windows reveal all inside; the decor is plain. Yet, character and charm can be found in the owner, Blanche. Patrons who are restless, hungry, or yearning for an interesting dialogue find that Blanche can fulfill their needs.

Blanche’s should be patronized by those law students who need to recover from a long night at the library or at the bar. [Location: 234 W. Hancock Ave., two blocks west of the main post office]

Rob Sallee

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SO YOU WANT TO GO SOLO?

You say you tried all of the various subtle tactics mentioned in the last issue, and the job offers still aren’t pouring in? You even applied for a job at Honest Charlie’s Used Cars and they turned you down because as a prospective lawyer, you can’t meet their ethical standards? Even the Army said no because after three years of law school, your brain is Purina? And you say your car won’t run because you haven’t had the time or money to change the oil? Your bank is bugging you to pay back your student loans, and you were hoping they’d spot you enough to pay your parking tickets? Is that what’s bugging you? Well, lift up your head. Armageddon is not here. There is life after law school—even for the “C” student. The answer is to go solo.

You admit that you’ve thought about it, but you’re afraid to try because there are too many law firms already, the costs are prohibitive, or it’s too hard for a new lawyer to attract clients. There is validity to these fears for the average new lawyer. But, by arming yourself with some of the ideas in this article and by using your imagination, you can continued on page 11

TOME TOMB

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

The Rule Against Perpetuities and Commercial Options: A Solution in Search of a Problem. The Rule Against Perpetuities has been applied by the courts to invalidate commercial options to purchase real estate that are unlimited in duration, or, if limited, are not exercisable within the prescribed period of the Rule. This paper explores the historical background of the Rule in Georgia as applied to options, the underlying policies of the Rule, and the effects of options upon the evils sought to be remedied by the Rule.

The Rule was designed to enhance the efficient use of a scarce resource, land, through facilitation of the transfer of land. Nevertheless, the application of the Rule to options achieves the destruction of a common form of transfer of land, which belies the fundamental objective of the Rule. Furthermore, the widespread use of options promotes the efficient allocation of resources by promoting speculation and dissemination of information. Finally, the application of the Rule to options serves to invalidate options drafted by the unwary and contracted to be exercised within a short period of time, but validates options potentially exercisable up to 100 years from the date of creation. Legislative action must be forthcoming to correct this anomaly and hold this necessary commercial device.

George Lewis

States and Political Subdivisions as Plaintiffs: Types of Actions and Scope of Recovery. In the midst of the debate over governmental liability, it is often forgotten that states and political subdivisions have long been appearing in court as plaintiffs. They are increasingly taking the offensive and suing in a variety of capacities to protect natural resources and to recover for harm from antitrust violations.

An important question is the scope of the government’s suit as "parens patriae," as "guardian of the well-being of its general populace and economy." Political subdivisions may not be able to bring such an action, but the interests a state can sue to protect are expanding. Government plaintiffs often sue in a proprietary capacity and their recovery is more expansive in this more nearly private posture than in a governmental capacity.

The public nature of the government plaintiff, however, necessarily imposes limits. Thus, governments cannot sue for libel nor recover the costs of services they were created to perform. Finally, the public characteristics make other limitations appropriate, such as procedural due process protections and a bar to recovery of punitive damages.

Ginger McRae

Slaying the Albatross: Federal Preemption of State Due-On-Sale Clause Restrictions

In times of high interest rates the number of home sales by loan assumption increases. Lenders argue that the increased number of assumptions threaten the continued existence of long term fixed-rate mortgages and will hasten the demise of savings and loan associations. Lenders exercise mortgage clauses known as due-on-sale clauses in order to put a price on assumptions. While federal regulations allow inclusion and exercise of these clauses, many states restrict the enforcement of the clauses in state courts. Federally-chartered savings and loan associations argue that federal law preempts state restrictions. The preemption issue has been accepted for argument before the U.S. Supreme Court and bills have been introduced in Congress on both sides of the preemption question. The paper covers due-on-sale clauses generally, the preemption issue, and whether the preemption issue presents federal subject matter jurisdiction. An edited version of the paper will appear with a co-author as a lead article in the Spring 1982 issue of the Missouri Law Review.

Robert Dilworth
Honor Court Loses Its Appeal

The Honor Court sets and maintains standards of conduct for students. When the court heard a case last fall, however, the court made a questionable decision.

The case involved blatant plagiarism on a supervised research assignment which was to fulfill the writing requirement. The accused submitted evidence on his own behalf. Mitigating factors proffered by the student included severe family problems and academic pressure. The court found the student guilty of the violation.

The court handed down the following penalties for the student’s breach of the Honor Code: the student received an “F” for the supervised research, he was obligated to write a new paper, and notify the State Board to Determine the Moral Fitness of Bar Applicants of the proceedings. Consequently, he did not have the number of hours necessary to graduate.

We commend the court for its display of compassion, but not for its foresight. Honor Court is entrusted with the duty to discipline students. The court apparently failed to uphold the high standards expected of those preparing to enter the legal profession. Their decision did not penalize the student for a breach of ethical duty. Any student would receive an “F” for failure to comply with minimal course requirements. The student in question, at the very least, failed to perform what was required for the course and would have received an “F” regardless of the ethical issues involved.

If intentional plagiarism of a paper required for graduation does not merit expulsion, then what does? The decision shows not the court’s incompetence, but a lack of guidance on the purpose and consequences of an Honor Court decision. Granted, the student was in an untenable situation, but this school is dedicated to producing lawyers of high competence with like ethical standards. The decision essentially condones unethical behavior.

If the Honor Court is to remain a student organization, it should be responsive to student opinion. Yet the justices publish no opinions and the students generally remain ignorant of the proceedings. In its present form, no continuity of standards for decisions exists in the Honor Code Constitution. The obscurity in which the court operates indicates a need for alternative approaches: either make the court accountable to the students for its decisions, or hand over the responsibility of disciplining students to the faculty. Admittedly, a faculty panel may not be as sympathetic or as flexible as a student court. Nevertheless, faculty members have a greater incentive to remain faithful to a certain standard of conduct. If the thought of having the faculty take the role of disciplinarian seems repugnant, then the court must shed the cloak of secrecy and bear the responsibility for its decisions. The accused student’s identity need not be revealed, but the student body has the right to know the outcome of cases—if only to prevent the court from being swayed by shortsighted considerations.

The court operates in complete autonomy from the student body. Its relative anonymity around the school spares students the feeling of being under constant surveillance, but it also isolates students from involvement in the Honor System.

An example of the court’s excessive autonomy appears in its method of selecting prosecutors. Prosecutors do not apply for this position, nor are they elected by the student body. Instead, the court selects five prosecutors on an ad hoc basis. This violates a basic tenet of our system of justice, which separates the judicial from the prosecutorial functions. Another example of the court’s excessive autonomy is its ability to freely amend the Honor Code. This violates another basic tenet of our system of justice, which separates the judicial from the legislative functions.

These criticisms should be taken into consideration by the Honor Court in its revision of the current constitution.

IN-HOUSE

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In-House is the student periodical of the University of Georgia School of Law. It is a bi-quarterly publication replacing The Slip Sheet. Comments, letters to the Editor, and subscription requests should be addressed to In-House, office 105, University of Georgia School of Law, Athens, Georgia 30602.
Following Precedent

The administration of the Law School seems to be attempting to reinstate the scribe system of copying. A year ago the School had one library facility and two Xerox machines. Now there are two library facilities and only one machine. There are no plans to increase the number of Xerox machines available for student use. In addition, there are no plans to soundproof the area around the existing machine, which is conveniently located on the second floor of the main law library, despite what the sign above the machine says.

A survey of state supported law schools in the Southeast indicates that other law schools do not share the administration's attitude toward the number of copiers needed to serve students. As the figures below show, UGa. ranks last out of six schools in the number of machines per student.

| University of Tennessee | 570 | 5 | 114 |
| University of South Carolina | 370 | 3 | 190 |
| University of Mississippi | 350 | 2 | 275 |

Although the lone Georgia Xerox is not in constant use, lines form at the machine. If the copier is inoperative, students must go through the laborious process of checking materials out of the law library and trekking to the main University library to obtain copies. The location of the present machine is inconvenient for many students, more so for handicapped and students who study in the annex. Law students have to expect and tolerate a certain amount of "well intended" harassment, but they should not have to tolerate the annoyance caused by the failure of the Law School to provide an adequate number of Xerox machines. The precedent set by other law schools should be followed.

LETTERS TO THE EDITOR

Stacking Unfair

The following letter is reprinted by permission of its author. Wesley King sent this letter to Professor Ellington, Chairman of the Faculty Law Library Committee.

Dear Mr. Ellington:

A law school is the last place where unjustified preferential treatment should exist and receive sanction, but such is the case with the law library's stacking permit system. At present, only those students who participate in either moot court, law review, or journal can obtain stacking permits.

Two supposed justifications were advanced to me as to why permits are restricted to extracurricular research, to wit:

1. Stacking permits limit access to books on the shelf. This argument is obviously deficient. First, it ignores the fact that any stacking permit limits access to books, whether the research be for extracurricular or for required activities. Second, if I check out the books I need for my research, student access is even further limited.

2. Moot court, law review, and journal have stacking privileges because these activities add to the prestige of the law school. Quite frankly, I find myself both unconvinced and nauseated by this suggestion. Regardless of the prestige of any activity, one cannot deny that three extracurricular activities are receiving preferential treatment to the exclusion of all required research. My willingness and ability to give competent, adequate legal counsel in the realm of the "working world" adds prestige to the law school just as much as moot court, law review, or journal ever did.

I am not alone in my feelings about this preferential treatment carried on by the law library and sanctioned, at least tacitly, by the law school faculty and administration. I, as well as the non-moot court, non-law review, and non-journal majority at this law school, find little comfort at being treated like a redheaded step-child.

Wesley C. King, Jr.

Below is Professor Ellington's response to Mr. King.

The Library Committee, which I chair, will be considering the Library's policies governing stacking permits this quarter. I will circulate your letter to members of the committee and ask our student members, David Manley, Stephen Noel, and Jeff Leasendale to bring this problem to the attention of interested students for suggested solutions. It may be that the time has come to end stacking permits for everyone, but that change would come only after consultation with a wide array of interested students.

C. Ronald Ellington, Chairman Law Library Committee

Lawyer Pickin' Time at Georgia

TO THE EDITOR:

Interviewing season at our law school brings to mind lines from an old Jimmy Rogers tune "... it's peach pickin' time in Georgia, apple pickin' time in Tennessee, cotton pickin' time in Mississippi, everybody picks on me..." or, alternatively, change the last phrase to "no-
**For the Record . . .**

Professor Edwin C. Surrency was honored recently when the American Society for Legal History named an award for him. The Surrency Articles Prize will be given annually for the best article published in the American Journal of Legal History.

Over a period of two years three of Professor Louis B. Sohn's former Harvard students have occupied the position of President of the United Nations Security Council and had made an important contribution to the solution of sensitive issues. They were Sergio Palacios de Vizzio from Bolivia, who presided in December 1979 during an important stage of the United States-Iranian crisis; Jorge Enrique Ilueca from Panama, who in August 1981 had to deal with human rights problems in Southern Africa; and Olara Otonnu from Uganda, who in December 1981 helped to solve the difficulties relating to the election of a new Secretary-General of the United Nations.

Professors C. Ronald Ellington and Julian McDonnell each recently received a Law School Association Teaching Award. The awards are funded by alumni contributions and are given to reward and encourage excellence in classroom instruction. Each recipient received $3,000.

John Byrd Martin, a Washington D.C. lawyer and real estate broker, has willed his estate valued at $1.1 million to the School of Law. The will states that the bequest will be used to endow a law school professorship. Colonel Martin was a member of the Georgia and District of Columbia Bar Associations, the Capitol Hill Club and the Lawyers Club of Washington.

The School of Law is the recipient of a $10,000 scholarship grant from the Southeastern Bankruptcy Law Institute. The income from the grant will be used to award scholarships and loans to those students who evidence an interest in bankruptcy, creditor's rights, and corporate reorganization.

The Law Library Annex has received a gift of two Greek marble busts. They are the gifts of Nickolas Chilivis and Dr. John Skandalakis and are currently on display.

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**From the Cloakroom**

**On the vine . . .**

Word is out in Normaltown that the chief counsel for Hairy Dawg Furriers, Ed Gartin, will mosey on down to Daytona Beach next year. Incidentally, Ed is 65 down and 35 to go in his effort to lose 100 lbs.

Bruce Russell and Rich Thomson were finalists in the cartoon contest run in the last issue of In-House. Mr. Thomson was named the winner, but In-House was unable to publish his entry because, although humorous, it was of questionable taste.

The American Psychiatric Association recently recognized a new disease under the category of psychosis. Acute Sentellian Catatonia, commonly known as R. Perry Disease, is usually precipitated by a verbal attack on the patient's self-esteem by a 'chaired' professor. The organism causing the reaction is not subject to any known treatment due to a complex defense system letrum maximus. A photograph of a hapless victim of the malady is shown below.

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**Ripe for review . . .**

(UPI) Fennimore, Wisconsin. Judge William Reinecke, commenting on a trial for first degree sexual assault stated, "I am satisfied we have an unusually sexually promiscuous young lady and that this man just did not know enough to knock off her advances." The naive young man was 24. The promiscuous victim was a mature five years old. A recall petition for Reinecke was begun on January 21.
trusting issues that might be damaging to their cases. Hazard calls this “flight behavior”—lawyers flee from the issues out of self-doubt. Second, briefs are not written for the court, but are written for the attorney, “to prove his loyalty through belligerence,” or for the client. “Clients get upset when they think their lawyer is taking risks,” he noted.

Third, advocates approach their briefs and arguments with a negotiator’s mentality, often trying to bully their stance across. Dean Hazard feels that “this is a mistake” because “it’s not easy to intimidate judges; judges don’t have to make concessions.” Fourth, since the problem is endemic, it is not easily cured, but is self-perpetuating. “It’s hard to teach an old dog new tricks, especially when all the old dogs run the schools and do the teaching,” he observed.

The Answers

Hazard’s remedy is not legislation. The ABA Code of Professional Responsibility requires that lawyers inform tribunals of adverse authority that might have substantial effect on cases. The Dean recognized that many lawyers feel that they should cite adverse authority only if there can be found no way to avoid the requirement of the Code. With regard to the duty of an attorney to concede a weak position, he stated, “if it’s difficult to legislate morality, it’s impossible to legislate bravery.”

Hazard proposes, instead, that attorneys be made aware of the duty to present every side of an issue, and of the strategic advantages of such an approach. He expressed a belief that lawyers can be enticed into adopting better advocacy skills and fulfilling their duties to court and client.

Among the enticements he revealed were the ability to impress the court by presenting a brief or argument that faces, rather than masks, weakness; the power to anticipate the rationality of the court and the way the court would view the case as a whole; the opportunity to give the court a brief and argument on which the court could base its entire decision; and the force of the rationale that the strongest position dealing with a debatable issue is one which borders on concession.

In response to one of the questions presented at the close of the lecture, Hazard conceded that ‘good’ advocacy would create more of a burden on attorneys’ time, and, therefore, on clients’ funds. Nonetheless, he indicated that the duty to the court and client to present a case which thoroughly covers the issues was the primary concern of an advocate.

Rich Thomson

Ed — An article based on this lecture will be offered to the Georgia Law Review for publication.

SUMMER LAW STUDY
in
Guadalajara
London
Oxford
Paris
Russia — Poland
San Diego

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U. of San Diego School of Law
Alcala Park, San Diego CA 92110

Semester switch from page 3
length of other courses has not been made. For example, Civil Procedure may become a two semester course. Other school curriculums and Professor Vaughn Ball support this choice. The divided opinion between compressing Criminal Law into one semester or combining it with some parts of Criminal Procedure in a full year course is also the subject of debate.

Hour weighting for courses also remains to be determined. Criminal Law, for example, may be limited to one term and assigned 4 hours credit, with a concomitant increase in workload. On the other hand, many schools interlock 2 and 3 hour credit loads among the semesters of all the first year courses. Vanderbilt Law School, for instance, states each semester of Contracts, Criminal and Constitutional Law at 3, 3, and 2 hours respectively, while ratings of 2 and 3 hours are alternated among Civil Procedure, Torts, and Property so that 15 hours are earned first semester and 16 the second. Elective courses that are presently one quarter in duration may be broadened, or combined with other subjects.

Committees that will make recommendations regarding the curriculum are ad hoc and incipient. If you wish to have a voice in the determinations or just want more information, contact subcommittee members Professors Pearson, Kurtz or Wells, and student members Jennifer Drechsel or Tom Stoughton, SBA Vice-President.

From the Cloakroom

Congratulations go to Mitch Skandapolous on his recent name change.

Pe1110y lives! The Georgia Legislature recently expanded the jurisdictional power of the Georgia courts. Jurisdiction may be taken over non-residents who are being sued for child support based on an act of intercourse occurring within the State. The full scope of this “minimum contacts” test is still being explored.
approval by the faculty or the student body under the present constitution.

According to the Chief Justice, the court makes every effort to afford an accused student as much protection of his rights as possible during the proceedings. The trial is not, under the present leadership, geared towards imitating a proceeding in an actual court of law. Under the HCC, an accused student is given the right to present any evidence on his or her behalf, and the rights required by due process—including “the right to confrontation,” although the text does not specify who or what the accused may confront.

All cases are recorded. In the case before the court last fall, a complete transcript of the proceedings was made and sent to Dean Phillips along with a letter stating the court’s decision and its findings. The Associate Dean reviewed the transcript and the letter. While the current court views its decisions as recommendations, rather than final orders, Dean Phillips stated that he views the court’s decisions as carrying more weight than mere recommendations. To the best of Dean Phillips’ recollection, only one case has been overturned in the past 8 or 9 years, and that was on grounds that the punishment did not fit, in the faculty’s view, the crime.

Five justices preside over the initial trial and three are reserved for the purpose of hearing an appeal. The initial appeal goes to a faculty committee of five appointed by the Dean. (The HCC does not specify which Dean). This hearing is, according to the HCC, held solely for the purpose of determining whether the proceeding conformed to the requirements of procedural due process. If the faculty board finds that, on the face of the record, due process was clearly denied, then the case is remanded to the Honor Court to be heard by the three justices not participating in the original hearing.

David H. Robertson, a graduate of this law school, submitted a paper in the winter of 1981 entitled “Legal Constraints on University Disciplinary Action Against Students of a Publicly Funded Law School.” The author used the UGA, HCC as a model for his criticisms. Robertson points out several major flaws. First, the Honor Court of the School of Law has never been granted express authority by the Board of Regents to discipline students as has the Student Judiciary of the University. While the Law School’s authority to discipline its students may be derived by implication, the HCC does not evidence that the authority has been delegated to the Honor Court. This leaves the validity of the Honor Court’s decisions subject to attack. In addition, by its own terms, the HCC may be amended without faculty approval. Mr. Robertson points out that, if the HCC derived authority by faculty approval, the faculty must also approve its amendments.

Another deficiency in the HCC lies in its appeal procedures. The HCC provides for review of a decision solely on the basis of procedural due process. As Mr. Robertson noted, this provision conflicts directly with the By-Laws of the Board of Regents which provide for review of all matters. This raises the question of whether, in practice, reversal of decisions may be had on grounds other than failure to afford the accused student his procedural due process rights. The text of the HCC is exceptionally vague on the subject of due process.

No less vague is the provision setting forth punishable student conduct. By way of comparison, the HCC of the School of Law at the University of Texas at Austin delineates specific prohibited conduct and the respective penalties. The Georgia HCC does not. Penalties for misconduct are determined on a case by case basis. This is not conducive to setting standards of behavior for students within the law school, and violates the Welleian principle of tort law that like cases should be decided alike.

The present Honor Court has expressed concern over the weaknesses of the HCC. Wesley King currently is reviewing the constitution and will make recommendations for revision.

Mari Perez

On the profession in general, Mr. Young believes that “lawyers have tried to be too much to too many people.” Concerned with increasingly activist courts, Professor Young feels that disenchanted with the overreaching by courts across traditional divisions of political ideology. “When the issue is whether or not the government should undertake supportive programs,” he said. “I do not think I’m a conservative. On the whole, however, I think that the courts have asked themselves to do too much for too many people, and my conviction is that they get it wrong too large a percentage of the time.”

While at Georgia Professor Young plans to continue his revisions of the Restatement of Restitution and his insurance casebook, while Shouldering his regular teaching load. At some point, Mr. Young and the University will mutually consider his permanent appointment to the Talmadge chair. Characteristically, he reserved comments on his intentions during this academic mating dance. “I haven’t been thinking about it,” he said with a smile, “but I will be giving it some thought in the future.”

Bob Woodland

WHAT IS KINKO’S?

(according to Mr. Webster . . .)

Kink /kink/ n. 1. a short right twist or curl caused by doubling or winding of something upon itself. 2. a clever unusual way of doing something.

Kink vi. to form a kink vi. to make a kink in;

have a lucrative solo practice with only a minimal investment of time, money and legal knowledge.

Your initial concerns of course are where to locate and what kind of practice. Coordination and planning are the keys to this problem. Consider the booby who studies admiralty and then sets up practice in Kansas City. Or the person who studies copyright law and goes to Alabama—nobody can write in Alabama. That is as bad as becoming a First Amendment expert and going to Dade County, Florida. Choose a location with few good lawyers and practice law peculiar to the area. Some examples: north of Barstow, California is an area known as Saline Valley (just west of Furnace Creek in Death Valley). It is possible that you may be the only attorney within hundreds of square miles, even during tourist season. Your study should prepare you to answer legal questions like: Does a pet iguana get one free bite? Do riparian rights extend to dry river beds? You should also be knowledgeable about all phases on sand lot law.

Another possibility is to locate in the middle of one of the seven natural wonders of the world. Surround yourself with incredible grandeur. Absolutely devoid of competition, your practice in the Grand Canyon will offer you an opportunity to corner the market in donkey law. Also, with Mr. Watt's blessings you can be in on the development of phase one of Canyon Condos. These, of course, are only a couple of suggestions, but the possibilities are endless. Consider these other areas where legal minds are in short supply:

- The Australian Outback—Aboriginal Law
- Siberia—Post Conviction Relief
- Moultrie, Georgia—so: Siberia
- U. S. Attorney General's Office—Peculiar variety of French law.

After finding a suitable location, your concerns will focus on the cost of establishing a solo practice and attracting clients. For the typical recent law school dummy who didn't think ahead, these problems can be major stumbling blocks. But for those of you who are clever, cost and clients will present no problems. All you need is an office, a law library, a secretary, research assistance and miscellaneous office supplies.

Because the solutions are so simple, I'll deal with the secretary, research assistance and office supply problem first. The common perception is that good secretaries and clerks are both expensive and hard to find. That perception is wrong! Every city of any size has at least one law firm with so many lawyers that no one can keep up with them all. You need only walk into the office in your three-piece pin-striped button down suit (you may want to brush a little baby powder into your hair if you are really young), pick out the youngest and hardest working clerk (if he's buried under enough paper he won't have time to argue, and besides he is probably such a gunner that he won't recognize he's getting dumped on) and hand him the research assignment. Tell him to "have one of the secretaries type it up, as well as this brief, and have them both ready for me tomorrow at noon when I get back from court." Then, pick up a few legal pads, some pencils, a handful of paper clips and walk out. The next day when you pick up the memo and brief, be sure to compliment the dumb shlub and tell him that you're recommending him for a promotion.

The question of a library takes forethought. Begin now, while you're still in law school. The law library has extra copies of everything; they'll never miss them. One or two books a day can make a big dent in what you'll have to pay later.

The office itself can be as inexpensive as necessary. The cost will range from nothing (actually less because of tax deductions) to around $30 - 40,000. Basically, there are three different options from which you can choose depending on your practice: the nonoffice, the temporary office and the mobile office.

The nonoffice is not only the cheapest, but probably lends itself best to the most efficient type of practice. The office is simply a room in your house or apartment. At this point you're thinking, "Tacky. What client would trust a lawyer who works out of the spare bedroom?" The beauty of the nonoffice is that you never have to see a client (perfect for law students who go to the library to study rather than talk).

The secret is mass advertising. Similar to Ronco television ads with "operators standing by," your ad will pitch mail/phone order legal services such as "Will-a-matic" (complete with an official-looking blue cover), "E-Z Divorce" (property settlements slightly higher west of the Rockies), and of course, the ever popular "Defend-a-Tapes." "Choose from the 31 most common crimes. Or buy the whole set! The jury—and your friends—will be impressed when you play these actual criminal defenses on the tree leatherette bound cassette player. Your own name is inserted on the tape by famous law school graduates. If you order now, you'll also receive an inflatable F. Lee Bailey doll (anatomically correct) to stand before the jury. The summation alone could cost you hundreds or even thousands of dollars through a regular lawyer. These defenses are guaranteed to be as good or better than you'll get from most of the attorneys that the courts appoint. A free plea bargaining tape is included with each order of three or more "Defend-a-Tapes."

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The second type of office—the temporary—can be a real bonus in the big city. Because your office is located in the Y.M.C.A. or the Salvation Army’s Home for Women, the daily rates are very reasonable. You can easily develop a thriving practice in the exciting fields of sodomy, prostitution, indecent exposure and vagrancy.

Finally, the mobile office, although the most expensive, offers both great potential for success and ease in getting out of state prior to disbarment proceedings or service of process for malpractice. Please don’t get the idea that this is the typical mundane ambulance chasing set-up (although it could be used for that in hard times—especially with a C.B.). This is a class act; a converted used bus. Instead of chasing ambulances, you can go after the big money—national disasters. With the front conservatively painted in a gray pin stripe, the bold neon arrows on the side will draw attention to your modest 8" × 18" shingle which is placed along side the bi-fold doors. At the top front, instead of the usual destination display, you can display your specialty—“Industrial Chemical Spills My Specialty,“ “Airplane Disaster Suits Filed Here.”

The generous roller allows you to change your specialty to fit the disaster. Of course, the well organized mobile office will have the standard “Take a number—wait your turn” appointment system. Ideally, you should be able to file 60–100 suits per day. And while the clients are waiting, they can relax at the table top model of “Pac Man” (tokens only—5 tokens for $1.00). The luggage compartment is also an ideal place to carry large yellow and orange signs should you decide to moonlight by selling fireworks on week-ends and holidays.

Perhaps some of you are concerned that there may be ethical questions about establishing and operating a practice along these lines. Let me assure you, I have discussed these ideas with several prominent former attorneys and government officials who all assured me that they foresee no ethical problems. Mr. Agnew was concerned about taking a tax deduction for an apartment nonoffice. However, Messrs. Nixon, Mitchell, Jenrette, Dean and Fortas assured me that they wouldn’t let ethical problems stand in their way.

Rick Ward
One obstacle to the practice of law in Georgia is the set of procedures leading to admission to the bar. The Georgia Supreme Court governs the procedures which are published by the Office of Bar Admissions.

Before applicants may file for the bar examination, the Board to Determine Moral Fitness of Bar Applicants (Fitness Board) must certify them as morally fit. Although law students may file for certification any time after entering law school, prudent law students will file early to both assure themselves that the Fitness Board will have time to complete the investigation and to take advantage of the substantially reduced application fees for filing early. The fees range from $40 to $500 depending on the date of filing. In any event, the applicant must file not less than six months prior to taking the bar examination. Other application information is on the class boards.

The Fitness Board is responsible for investigating the character, reputation and background of applicants. If a question is raised regarding an applicant's moral fitness, the first step taken by the Fitness Board is to hold an informal discussion with the applicant, who may have his or her attorney present. During the discussion, a stipulation of any facts will become a part of the application. The applicant is given the opportunity to explain in writing any issues raised.

After the hearing, but prior to a determination that an applicant will not be recommended to the Board of Bar Examiners (Examining Board), which administers the bar examinations, the Fitness Board will hold a hearing and provide the applicant an opportunity to be heard. Again, the applicant has the right to counsel. In the event that the Fitness Board cannot recommend the applicant, that board will issue an opinion stating the reasons. The applicant can appeal the decision to the Supreme Court within thirty days.

The Fitness Board’s affirmative recommendation is necessary before the applicant may apply to take the examination. The recommendation is not final until the bar exam is successfully completed. An application for moral fitness may be reviewed by a motion of the Fitness Board or at the request of the Examining Board at any time before a candidate is admitted to the Bar.

The Fitness Board will notify candidates who are certified morally fit and will provide an application to take the bar exam which the applicant must file with the Office of Bar Admissions not less than fifty days prior to the exam. The date of future exams and application deadlines are as follows:

<table>
<thead>
<tr>
<th>Examination</th>
<th>Deadline</th>
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<tbody>
<tr>
<td>Jul. 28, 29, 1982</td>
<td>Jun. 8, 1982</td>
</tr>
</tbody>
</table>

An application must be accompanied by an official undergraduate transcript, the notification of moral fitness, and a $75 fee. In addition, candidates must timely inform Mr. Polster of their intent to take the examination. Mr. Polster must inform the Examining Board that a candidate is in at least the last two quarters of law study before the application can be completed.

In the event that a candidate misses a deadline, he or she may file a petition with the Office of Bar Admissions within fourteen days after the deadline. The cost of filing a petition is $100. In order for a deadline to be waived, the Examining Board must determine that a candidate was not negligent in failing to file on time.

Refund of the examination fee will be made if a candidate is found ineligible. The applicant who withdraws not less than fourteen days prior to the exam will receive a refund of 50% of the examination fee.

The bar examination is administered in Atlanta over a two day period and includes an objective multistate portion and an essay portion. A continued on page 14
Academic Year Clerkships: 
Clerking in Athens

University of Georgia law students provide the Athens legal community with a convenient source of high quality, inexpensive legal assistance. Despite this opportunity, only approximately half of the forty local law firms and solo-practitioners employ students as law clerks. Approximately 35 students presently have clerkships in Athens. One enlightened firm, Cook, Noell, Tolley & Aldridge, employs twelve. Gene MacWinburn usually employs local law students. Rendering Dunbar & Newlon approximately 30 students present during each portion are combined. Nevertheless, a candidate must answer at least one question correctly or the essay portion will not be graded and the candidate will automatically fail. A candidate is not limited in the number of times she or he can take the exam.

Admission to the Bar also requires a passing score on the Multistate Professional Responsibility Examination (MPRE). The MPRE is an objective examination which tests the candidate’s knowledge of the Code of Professional Responsibility. The examination is offered at the Law School three times a year. Applications for, and further information about, the MPRE can be obtained from Mr. Polster.

Rebecca C. Durie

Georgia Bar from page 13

bar exam candidate must average a 70 percent grade when the scores of each portion are combined. Nevertheless, a candidate must answer at least 100 of the 200 multistate questions correctly or the essay portion will not be graded and the candidate will automatically fail. A candidate is not limited in the number of times she or he can take the exam.

Admission to the Bar also requires a passing score on the Multistate Professional Responsibility Examination (MPRE). The MPRE is an objective examination which tests the candidate’s knowledge of the Code of Professional Responsibility. The examination is offered at the Law School three times a year. Applications for, and further information about, the MPRE can be obtained from Mr. Polster.

Rebecca C. Durie

SUMMER SCHOOL IN VERMONT

The 1982 Summer Session at Vermont Law School and its Environmental Law Center offers a unique opportunity to study environmental and public policy law in a stimulating and picturesque setting. The interdisciplinary approach to these issues is reflected in the varied backgrounds of the faculty, environmental and land use attorneys, medical faculty, an economist, an ecologist, legal scholars, and a planner. The summer session involves eight weeks of classes, but some courses are of only four weeks duration.

JUNE 1 — JUNE 30 and/or JULY 6 — AUGUST 4

• Agricultural Land Preservation
• Ecology
• Environmental Economics: Cost Benefit Analysis and the Law
• Fish and Wildlife Law
• Forestry Law
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  Part A — River Basin Law and Planning
  Part B — The Pyramidal Mall Case
• Land Use and Environmental Law Litigation
• Legal Clinic
• State and Local Government
• Toxics and the Law

For further information and application materials, contact:

Vermont Law School Summer Session
Box 124
South Royalton, VT 05068
(802) 763-8303