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Voir Dire

Return to Backlog



Vol. I, No. 3 UNIVERSITY OF PITTSBURGH, SCHOOL OF LAW April 10, 1979

Leg Phil Under Fire; Pass-Fail Considered

By FRANK KAHOE

Dean John E. Murray, Jr. last week promised a group of first year students he would attempt to persuade the two Legal Philosophy instructors to offer an "Honors-Pass-Fail" grading option for Legal Philosophy this semester.

Murray met Monday, April 2, with over 100 first year

Moot Court Finals Set for Tonight

By LEONARD MARSICO

The extent to which a criminal attorney may conceal evidence of her client's guilt without subjecting herself to disciplinary procedure is the issue which the finalists in the Appellate Moot Court Competition will argue before a panel of three state judges in the Moot Courtroom tonight at 7:30.

Counsel for the attorney who was suspended by the disciplinary board for 18 months are third-year student Bob Rooney and second-year students Tom McLean and Steve Larchuck. Arguing for the Board are third year students Louise rzl-Betz and Barbara rdan.

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students, mostly from sections "A" and "C", who were dissatisfied with the course, which is mandatory second semester first year.

The students aired a number of complaints about the course, particularly as taught by Prof. Philip Mullock who teaches both sections "A" and "C". Among the complaints expressed at the meeting were:

- exams taken during the semester will not be graded until the end of the term, leaving students uncertain as to how they are doing in the course,

- the first exam was on material which was not covered until after the exam was given,

- there is no syllabus or course outline, leaving some students without a clear conception of where the course is going and what is to be expected of them, and

- a general dissatisfaction with the organization and approach of the course as taught by Mullock.

Students initially requested the course be changed without option, to "Honors-Pass-Fail"; they submitted that request in the form of a petition to the Dean which was signed by 147 students. Of those signatures, 134 were from students in the two sections taught by Mullock.

Murray told the students last week that any change in a course's grading system must be approved by the faculty of the Law School. The Dean then suggested the faculty might be more receptive to the students' proposal if individual students were given the

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1st Year Student Has Day In Court

By LINDA KAISER

Like many first year students whose minds have recently been inundated with phrases like Holmes', "Law is a prediction of what the courts will do," I decided to see for myself exactly what it is courts do, and how good a predictor law school really is.

As part of the PAD sponsored Judge's Day Program, I was assigned to observe Criminal Division Judge Samuel Strauss.

I am not from Pittsburgh, so I knew nothing about Judge Strauss. The elevator operator was quick to fill me in. "Oh, that's the hanging Judge," he told me. I assumed the description was only a figure of speech.

When I arrived in his courtroom I discovered Judge Strauss was only accepting

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Editorials

Examining Exams

In anywhere from three months to three years just about every student in this school will be out in the working world acting to one degree or another in a legal capacity. Criminals will trust us with their secrets, business people will trust us with their money and distraught married individuals will inform us of their most intimate secrets in an attempt to disentangle themselves from the bonds of holy matrimony.

It is absurd that the public will have to place so much trust in a group of individuals in whom the law school faculty lacks sufficient confidence to permit them to reschedule conflicting examinations. Having to use an arbitrary examination schedule as the ultimate determiner of courses selected. Law students should be placed on an honor system, and students with either two exams scheduled in one day, or exams scheduled for three days in a row, should be permitted to opt out of one exam and reschedule it at a more convenient time.

Each day of the exam period a special room could be set aside where a proctor would administer rescheduled examinations.

If, as a profession, we are to garner the public's confidence, we must first look upon ourselves as deserving of trust. How are we to do this when our own teachers question our trustworthiness?

Bettering The B-Ball

Tauntingly referred to as the Law School Prom by those few cynics who inhabit these hallowed halls, the Barristers' Ball was a surprising success last month. Perhaps due to the vocality of these less-than-enthusiastic rug cutters, fewer than 100 couples showed up for the dinner [sic] and dancing fete at the Hospitality Inn in Monroeville. It was, of course, a pleasure to see that so many faculty members attended the function. There were almost as many professors at the Ball as there were for the women's causus mock trial last semester.

Many students did note that it was the cost for tickets which kept the numbers down. After all, as one intellectual second-year student who has coined many a phrase before is fond of saying "There's nobody poorer than law students." Which, of course, brings us to our modest suggestion for next's year's B-Ball. If it is to be the Law School's granddaddy party of them all, why not subsidize it with proceeds from all the little ones? Instead of spending the profit from a Beer Blast on another Beer Blast, it should be saved for the Ball at the end of the year. Then tickets could be sold for a nominal price, if one at all. Of course, only professors who attend Beer Blasts would be given the reduced rate.

Royal Schaff

Course Selection

In a Nut's Shell

By MICHAEL SCHAFF

Contrary to popular belief, the most difficult task in law school is neither getting ready for finals, nor obtaining outside employment. The most agonizing of moments comes when one is called upon to organize and compile (let's face it, throw together) a tolerable class schedule.

True, there is no gym requirement, but there is a problem in gathering the fifteen credits which will best enable a student to sleep through the morning, sit in the lounge all afternoon, and stand around in Danny's Pub all night.

Due to my vast experience in choosing courses, I would like to pass along five tips which have helped me get where I am today. (Although we have already made preliminary selections, most students wind up with a totally different set of courses come September.)

1. Do not choose a course which meets too early.

The administration often sadistically schedules fascinating courses at ridiculous times. I would have enjoyed taking Illegal Medicine (offered at eight in the morning), but I was not willing to stay up all night just to make the class. As a rule of thumb, try not to select courses which are held before two in the afternoon.

2. Be wary of courses where the students have earned high grades the previous semester.

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Seer Sees Through Voir Dire

By BERNARD THOMPSON

So, you thought only late night television could bring you the genius of all powerful all knowing Carnac the Magnificent. You were wrong jury-room breath!

Voir Dire has succeeded where so many others have failed. Our Editors, just returned from an audience with the great one, have agreed to share with our readers part of a transcript documenting the mystical happenings which transpired during that historic session.

Equipped with five questions, hermetically sealed in Voir Dire envelopes, our Editors challenged the great one to repeat those incredible feats of mental power for which he has become world famous.

Accepting the challenge Carnac touched the first envelope to his forehead.

(It is at this point that we pick up with the transcript.)

Carnac: In my divine wisdom I will ascertain the answers to the questions contained in these as yet unopened envelopes.

Editors: Go to it man.

Carnac: The first answer is ... Idi Amin, a lock, and your law school tuition invoice.

Editors: Idi Amin, a lock, and your law school tuition invoices?

Carnac: (Opening the envelope) And the question is ... name a nut, a bolt and a screw. (Touching the next envelope to his forehead) The answer is ... a law professor's revenge, "what's your major?", and a PAD donut.

Editors: A law professor's revenge, "what's your major?", and a PAD donut.

Carnac: (Opening) The question is ... name a hook,

a line, and a sinker. (Next Envelope) The answer is ... flim-flam.

Editors: Flim-flam?

Carnac: (Opening) The question is ... what do you get if you get flam on your flim? (Next) The answer is ... "sell Xerox," Tuesday night at Danny's for just one, and the Women's Caucus trivia contest prize.

Editors: "Sell Xerox," Tuesday night at Danny's for just one, and the Women's Caucus trivia contest prize?

Carnac: (Opening) And the question ... name a tip, a nip, and a gyp. (Finally, the last envelope) The answer is ... the Pearly Gates, Xaviera Hollander, and three years in law school.

Editors: The Pearly Gates, Xaviera Hollander, and three years in law school?

Carnac: The question ... name a door, a whore, and a bore.

VD Spreads—Law School Gossip

Dean Murray yesterday revealed his previously unannounced plans for 1982. Exclaiming, "I'm tired of academics, I want to live!", the Dean told a group of fans that he is leaving law school to form a punk rock band. The group, to be known as "The Professional Punks", will include bassist and Chancellor "Sneaky Pete" Fosvar, Cyril "Butch" Wecht on piano and vibes, and Mayor Jack "The Stick" Caliguiri on drums. Their first gig is already scheduled for April 1982, at the ... In the latest ... of Juris urdum, the 1979 Law

School Poll rated the University of Pittsburgh Law School number three among the 165 ABA approved law schools. Voted on by the faculties of the 6 Pennsylvania law schools, the institution receiving the most votes was Villanova (4), followed by Duquesne (3). 162 schools were tied for fourth. . . . As a result of the amazing response generated by the Trivia Contest recently held at the Law School, there has been an announcement of a future trivia contest. Sample questions are to be posted on the downstairs bulletin board on Friday.

Here are a few examples: 1. Who started World War III? 2. Who broke Roger Maris' one year home run record? 3. What year did the Supreme Court declare the Bill of Rights unconstitutional?*

Clairvoyants and their families may not enter.

Dean Murray will preside again at this year's May 27th Baccalaureate activities. The Dean will accompany himself on the piano while singing the entire mass in Latin. Communion from the Dean will also be available after Mass (top quarter only).

*See Answers, Page 6.

First Year Student Has Day in Court

(Continued from Page 1)
guilty pleas and plea bargains that day. Apparently he was starting a jury trial the next day and wanted to avoid being tied up with a non-jury trial.

In mentioning the next day's murder trial in which a woman was accused of stabbing her boyfriend, the Judge said he expected a self-defense argument would be raised. However, since the deceased had a blood alcohol level of .43, the Judge suggested someone call the District Attorney to suggest that he supply expert testimony on the effect of such a high blood alcohol level on the man's capacity to threaten the woman.

In law school no one ever told me Judges were supposed to suggest evidence and experts to be admitted before them at trial.

In the case of a man who had been identified as the result of a composite drawing made through the use of overlays, Judge Strauss interrupted the proceedings in the midst of the man's guilty plea, asked the police for a copy of the picture, and proceeded to explain to the spectators how it was made. He then passed the picture around the gallery filled with grade school children and asked the defendant to turn around so the spectators could determine its accuracy.

While I'm sure we all felt the experience was educational, it was no little expense to the obviously embarrassed accused.

In a case involving a plea bargain, the District Attorney and Public Defender had agreed on a guilty plea

for a three to six month sentence. Judge Strauss said that was too lenient and he suggested the attorneys confer.

The attorneys came back and suggested a three to six month jail sentence and eighteen months probation. The Judge said that also was too lenient and he would accept a bargain of a three to eighteen months jail sentence.

Judge Strauss asked every defendant about his past criminal record. He asked a man guilty of possessing a fire arm whether a .357

magnum could kill an elephant. And he asked a shoplifting suspect how she managed to fit three rump roasts and fourteen strip steaks into one handbag.

For me the day spent in Judge Strauss' courtroom was educational, informative and enjoyable. While I am still convinced it is important to study the law in an attempt to second guess the courts, it might not be disadvantageous to study a little psychology as well--for courts are made up of judges, and judges are unpredictably human.

Legalese Made Easy

Res Ipsa Loquitur - an exhumation order for the body of Ipsa Loquitur.

Concealment - the act of fooling a seal..

Grand Jury - a jury advertising its bribe rates

Laches - a new social disease.

Ordinary and Necessary - the last member of the opposite sex sitting at the bar at 2 A.M.

Future Interests - to make a lot of money when you graduate from law school.

Birthright - the right to dock your boat.

Hanged, Drawn, and Quartered - member of class of '80..

Rolling Stock - a cow on roller skates.

Reasonable Man - the guy who sleeps on the park bench covered with newspapers.

Jurisdiction - use of proper words by Juris

Oasis - any bar in Oakland.

Garnishment - putting tomatoes, bacon bits, and and green peppers in your salad.

In Toto - where Dorothy's dog food goes

Double Jeopardy - when the dollar value of the questions are doubled.

Judicial Comity - the judge cracks a joke.

Corpus Juris Secundum - Encyclopedia Britan-nica without pictures.

Jus Naturae - why boys like girls, and vice vers

Jus Gravia - what your tell your wife when your suit is unexplainedly stained.

Detour 'n Frolic - taking Brown for tax.

Vested Remainder - on sale this week at Kaufmann's with matching slacks, \$119.95.

Role Reverse May End MD-JD Feud

By ED BROWN

Everyone knows that doctors are not big fans of the legal profession and that lawyers, in turn, are not very fond of those who practice medicine. Lawyers think doctors are quacks who are only interested in playing golf and making money. Doctors think lawyers are slysters who are only interested in making money.

Exactly how this inter-professional animosity developed will never be known with certainty. Since it is largely a matter of attitudes, and thus irrational, there is probably little hope of conciliation;

particularly since doctors have taken their lumps in the courts over the past several years.

However, there is an easy way to accomplish the next best thing, which is to give the beleaguered physicians a chance to get even. With the curtain torn from the inner workings of the legal profession, the number of malpractice suits against attorneys is increasing. The simple solution to the problem of professional enmity is to allow doctors to represent plaintiffs in malpractice actions against lawyers.

Implementing this would not be difficult at all. A

course in Legal Ethics, along with relevant tort evidence and trial tactics principles, could be taught at all medical schools to interested students, as well as practicing physicians, surgeons and even, one supposes, chiropractors. Those completing the course would then take a mini-bar exam to qualify them to practice, or perhaps malpractice.

Attorneys or law professors would appear as expert witnesses for both sides, just as medical experts do when a doctor is sued. There would always, of course, be those few lawyers who would

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Course Selection in a Nut's Shell

(Continued from Page 2)

There are two problems here. First, if you take one of these classes, you tend to forget about it until your roommate tells you, "Hey, don't you have a final this morning?" Second, when enrollment in The Man Behind the Internal Revenue Code goes from 4 in the fall semester to 250 in the spring, the professor has some suspicions as to why the course has suddenly provoked such interest. A paper marked, "Excellent, extremely well-written, good organization, nice job, A-", may subsequently be graded, "Excellent, extremely well-written, good organization, nice job, C."

3. Read the course descriptions carefully.

Some course names are magically changed from year to year, and may therefore be overlooked. I was sure they had stopped teaching Contracts until someone told me it had been changed to A Meeting of the Minds.

Sometimes course names are misleading; a close examination of the description is essential in such a case. For example:

Remedies--This course will concentrate on feeding a fever, putting a bag over your head, and the use of chicken soup.

Sentencing Alternatives--Students will learn how to vary their sentences, a skill essential in the composition of briefs or other legal writings.

Unfair Competition--Students will learn how to succeed in law school by stealing each other's notes, books, etc.

Sales--A study of a famous comedian's censorship battle with the courts.

Juvenile Courts--Deals with the effects of making young children Third Circuit Judges.

Domestic Relations--The laws regarding the employment of maids, butlers, etc., and their families.

Federal Jurisdiction--How to pronounce "juris" before a federal judge.

Libel and Slander--A study of the young comedy team of 1920's fame.

4. Check the finals schedule before selecting your courses.

Some people do not realize until it's too late that they will have to take 4 finals in 2 days. A student who finds himself in this situation will certainly undergo much unnecessary suffering, not to mention a hell of a lot of bawling.

5. Before turning in your sheet, make sure the courses don't overlap.

"Repetition of legal subject matter is the hobgoblin of a feeble mind." Harvey Cardozo, 3-27-79. Therefore, do not take more than one course which deals in any way with the Constitution.

To further assist the reader, I am respectfully recommending the following courses, which meet all the above requirements.

1. Federal Income Vexation--A study of the problems involved with being on the Federal payroll.

2. Estates and Trusses--How to prepare wills and prevent hernia.

3. Suede Law--Patent law is a prerequisite.

4. Mental Health Law--How to practice law and stay sane.

5. Surreal Property

6. Trial Antics--How to tease your courtroom opponent until he loses his composure and the case.

7. Pennsylvania Perfect--The prerequisite is Pennsylvania Practice.

Thus, selecting law school courses doesn't have to be a tragic experience. Being realistic, they're all the same anyway.

Trivia Contest Answers From Page 3

1. Dolly Parton, in 1997
2. Larry Bowa, 64, in 1991.
3. 1991, In The Case of Reagan v. U.S.

Personals

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Moot Court Finals Slated For Tonight

(Continued from Page 1)

The petitioner Dorothy W. Endash was found to have violated state disciplinary rules and the ABA Defense Function Standards in her defense of Robert W. Frapples — charged with murder.

Frapples' alibi was that he had spent the entire night of the murder with his fiancée. She corroborated his story.

Although the murder was committed in Room 405 of the DiVinci Hotel, the prosecution was unable to prove conclusively that it was Frapples, the defendant, who had registered for the room because the night clerk lost the relevant records.

Immediately before final arguments to the jury, a former bar tender at the DiVinci brought the missing registration card from the fateful night to Endash. Frapples' own signature was next to the room number-405.

Upon confronting her client with this information, he directed her to stick with the alibi. Since the court denied her request to withdraw from the case, she followed her client's directions.

In her summation, however, Endash not only touched on the failure of the prosecution to produce the registration list, but discussed it in a manner that implied its production would exonerate her client.

Though her client was convicted, upon review of the evidence, the disciplinary Board nonetheless recommended an eighteen month suspension. It is her appeal of this decision that will be heard tonight.

The participants in the case have survived three previous rounds of competition. The first involved 28 teams paired off for a brief writing and oral argument competition.

The winning teams from that round were paired off for oral arguments alone based on prepared briefs already given them on a first amendment case.

The victors of this second round of competition had their last semester briefs reviewed again by a panel of the faculty. The two teams with the best briefs to go into the finals. Oddly enough there was a tie for the second slot. A second faculty evaluation produced the two teams facing each other tonight.

The teams have already briefed their latest arguments and will orally argue their positions this evening. As were all the other rounds, this final one is open to the public.

The Appellate Moot Court Competition is conducted each year and is open to all students. The Competition Board which prepares the cases to be used is composed of students who have competed before.



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