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photo by Maryam Mahdavi

Professor Talbert B. Fowler Jr., a member of the law school faculty for 16 years, will retire in January, 1986.

Prof. Fowler Retires

by Paul D. Boynton

His image is memorable. He always wears white long-sleeve shirts, dark pants, black shoes, tie and tie clip. A gold pocket watch chain dangles from his pants pocket. His jet black hair is slicked back, and his round, dark eyes are beaming whenever he greets people. Polite and friendly, he never tires of saying hello to everyone he sees. When he talks, it is more of a bellow than anything else. Morever, he talks fast, very fast.

Soon he will leave the Pitt Law School, retirement in January being necessary because of his wife's serious illness. He will return with her to the South, their native region. Professor Talbert B. Fowler, Jr., is a character not soon to be forgotten by those who know him.

Professor Fowler, the Director of Legal Research at the University of Pittsburgh School of Law, says he has two special memories of his tenure at Pitt, which began in 1969. The class of 1984 presented a special Plaque of Appreciation to him for his "concerned scholarship and spirit." Inscribed on the plaque is a phrase: "The wildest lawman this side of the Pecos."

"I really like that," he said laughing heartily. Giving the plaque to him "was the greatest thing students ever did for me."

Marc Silverman, Public Services Director at the Law School said: "Professor Fowler keeps in touch with all his past student workers, after all these years. It's like a sin to him if he forgets one of their names. Students who have been gone for a number of years come to Pittsburgh to try a case or something, and they'll call just to see if he's still here. They may not remember much about law school, but they remember him."

Silverman said Professor Fowler is a noted legal research source in Allegheny County. "He's always getting calls about research," Silverman said. "He knows the legal research area as well as one could know it."

"I've always liked legal research," Professor Folwer said. "I'm not sure why, but I've always liked it. I didn't practice law for very long (he practiced for one year in 1954, specializing in personal injury and criminal law), because I worried too much about my clients. I would lie awake at night wondering if I did everything possible for them."

Genuine concern for others seems to be a predominant character trait of Professor Fowler. Cathy Kelly, Library and Technical Assistant, remembers being made to feel welcome immediately when she was hired by Professor Fowler in 1971. "I started working on September 21 and my birthday is September 23 and Professor Fowler brought in a birthday cake made by his wife, Mabel."

Silverman said that when one of his children was seriously ill for an extended period of time, Professor Fowler would call often to check on the child's progress.

Professor Fowler indicates endearing devotion to his wife by retiring (he wanted to work until he was 70). "It's the only thing to do, really." Mrs. Fowler is suffering from kidney failure and is currently on peritoneal dialysis. Morever, she is anemic and her vision is failing. "The shame of it," he said ruefully, "is that she was never sick a day in her life before she was 60."

It was love at first sight when Professor Fowler met Mabel. "I met her and the next day I asked her to marry me. I just knew she was the one for me. I had just dated a girl for two years, too. As fast a talker as I am, it took her three months to decide. I've always kidded her about that. We got married two months later, three days before Pearl Harbor."

Professor Fowler certainly has a distinctive southern accent, but his fast speaking pattern is unusual for a southerner. "I've always talked fast. Most southerners can't believe I talk so fast. My lectures (which are the most remarkable example of speed-talk this side of an auctioneer) used to amaze my students at 'Bama. They had a hard time believing I was from the South. But I used to tell them (he spews forth a whizzing example of his speed-talk) 'I was born in South Carolina, raised in Florida and paid by the state of Alabama for 14½ years; you can't get more southern than that!' "

Professor Fowler earned his B.A. and J.D. from the University of Florida. He has been a law librarian and teacher of Legal Research and writing most of his legal career, which began in 1949. He is a member of the Florida and Alabama bars.

"I have earned tenure at three universities.

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Rose, Schmidt gives Merit Scholarship

by Marianne Emig

In light of increased competition for both financial aid dollars and a shrinking pool of high-quality students, the University of Pittsburgh School of Law has been soliciting endowments and donations from area law firms. This work has borne fruit in the form of the Rose, Schmidt, Chapman, Duff and Hasley Merit Scholarship.

According to Fredi Danziger, Director of Admissions, the scholarship, in the amount of full in-state tuition, is awarded to an incoming first-year law student, based solely on academic merit. The Faculty Admissions Committee selects the recipient of the scholarship. This scholarship is renewable, provided the recipient maintains a B average or better during all three years of school.

This stipend is the result of canvassing efforts by Dean Richard Pierce, who continues to canvass other Pittsburgh law firms. The hope is to bring Pitt in line with comparable national standards in the number of privately-funded scholarships available to its law students. Danziger points out that law schools such as Yale and Harvard have from fifteen to thirty full-tuition scholarships available to qualified students each year.

This scholarship adds to a number of other scholarships the law school has available for interested students. The Law Alumni Scholarship is awarded during the recipient's second year for use in the third year. This scholarship is based on class standing and financial need. This past year, due to the exceptionally high quality of the applicants, one full-tuition subsidy and two half-tuition scholarships were granted.

With the growing scarcity of federal aid caused by federal cuts, many students are looking to their universities for assistance. For the financially-distressed student who is not at the top of his class, but still solid academically, funds and data on procedures for application are available from the law school. In past years, the source sheet came out in February but due to early deadlines, is slated to come out in October. Danziger urges students to act early.

"I realize," she said, "it's hard to think about 1986 ... when you're wondering if you'll get through 1985," but she encourages interested students to be prompt. "Many students are 'put off' by past negative experiences," she notes," and feel it's not worth it to apply." As a result, some financial aid is forgone by deserving students. For example, to apply for the Law Alumni Scholarship, all that is required is a resume and a cover letter. "The Faculty Committee is the one who has to do all the work," Danziger said.

Other possible sources of assistance include hometown bar associations, service clubs, and fraternal organizations. The average college student often does not consider these possible avenues when searching for aid. The University also has general scholarships available to students in any school or department, as well as work-study programs and low-interest loans. The best place to look for material and applications is the main University Financial Aid Office in Bruce Hall.

White aids Lesko

by Jon Hoppe

Welsh S. White, University of Pittsburgh Criminal Law Professor, was unsuccessful recently in appealing the death penalty of convicted killer John C. Lesko before the Pennsylvania Supreme Court. Lesko is scheduled to be executed on November 19, 1985.

At the final appeal before the state's highest court, following a denial of a petition for a post-conviction hearing, White said the Court was "insensitive to procedural argument and more interested in the form of presentation of the appeal." White, who said he is philosophically opposed to the death penalty, added, "It's shocking that the Court could be more concerned with performing executions on time than with the substantive issues a man is presenting on appeal."

White said a Pittsburgh Press article appearing after the first appeal to the Pennsylvania Supreme Court was critical of White and attorney Rabe F. Marsh, with whom White worked, accusing them of stalling, not raising their best arguments and holding out for an appeal based on ineffective trial counsel.

White said, "The defendant indicated that he wants Marsh to continue as counsel, that he has confidence in him. In addition, we cannot raise the issue of ineffective counsel. We have other issues to raise, notably, the breach of a plea bargain agreement, to which the Court was not receptive.

"The Court seemed eager to find a technicality under which to avoid considering the issue. The Pennsylvania Supreme Court, among others, has traditionally tried to give special scrutiny to issues in a death penalty case, therefore, it seems unfortunate for a man to be executed as a result of the breach of a plea bargain agreement."

Though a negative response is expected from the Pennsylvania Supreme Court on their appeal of the denial of Lesko's post-conviction hearing, White and Marsh intend to press on with the appellate process. White stands ready with a completed petition for certiorari to the U.S. Supreme Court.

Lesko's appeal, according to a brief submitted by Marsh and White, centers on three aspects of procedure: the entering, as evidence, of a guilty plea by Lesko in another murder trial; the instruction to the jury at the sentencing hearing; and the manner in which the Pennsylvania Supreme Court handled the initial appeal.

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Paid for in part by Pitt Law School Alumni Association.

Flunking Clean-Up 101

Pitt law students are flunking Clean Up 101, a basic course in cleanliness. One look at the student lounge each night or on weekends confirms the failure — it is consistently a mess.

There is no excuse for the litter, yet we, the litterbugs, still manage to rationalize our actions. We argue that because we pay tuition this gives us the right to leave our trash wherever we please in the law school. Plus, the school janitors are paid to clean up after us.

The first argument has no validity. Trash cans are within a few steps regardless of the direction students take when leaving the lounge area: to class, to the bathrooms, to the lockers, out of the building. To deposit garbage on the floors and on the tables reeks of laziness. Moreover, the tuition argument is analogous to saying all taxpayers have the right to litter public and quasi-public locales. No one has the right to litter public places; they merely choose to do so.

The job description for the janitors does not explicitly state that they are responsible for cleaning the student lounge. However, the University custodial policy requires janitors to clean public areas daily; the law school janitors clean the student lounge once a day, early in the morning. But the janitors have many other responsibilities as defined by their job description. It is not fair to the four law school janitors to unnecessarily burden them with a trashed student lounge each day, given their many other responsibilities.

The student lounge litter is unacceptable. It conveys a negative impression to visitors, such as the participants in the Third Circuit proceedings held recently at the law school. More important, it indicates a profound disrespect to the janitors and to the students themselves because it is so patently offensive. It is easy to correct; let's prod each other to do so.

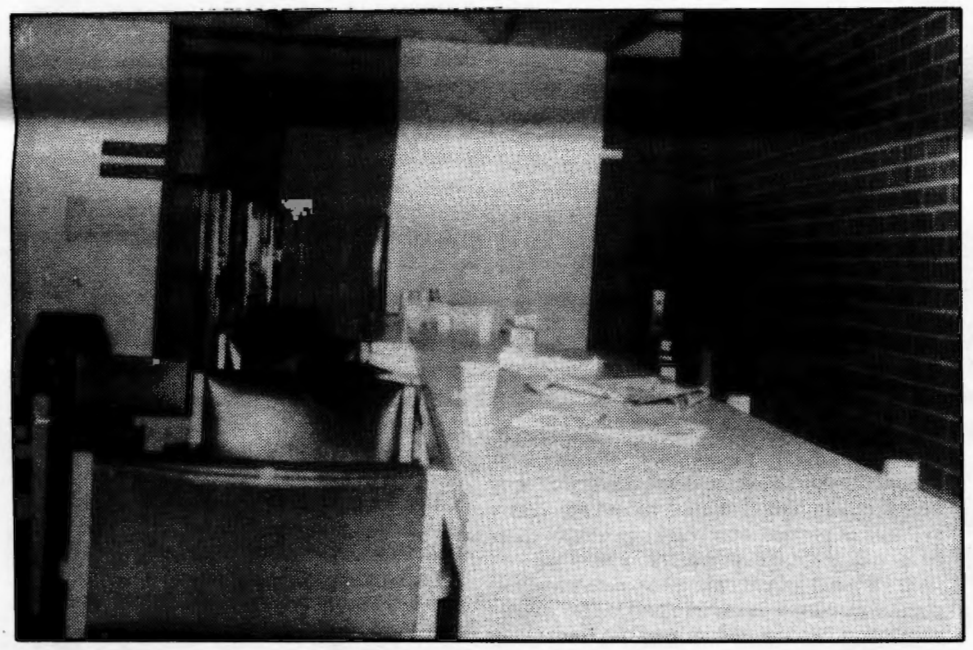


photo by Maryam Mahdavi

Gormley Leaves Law School

When students stop to think about the accomplishments of their law school professors, their thoughts often turn to the title page of a casebook or to quotes in newspaper articles.

Rarely will students' images of one professor encompass Pittsburgh's premier ice cream scooper, a former *Pitt News* Features Editor, a Harvard Law School graduate, a *Pittsburgh Press* guest columnist, a former Mellon Writing Program professor, a Property professor, and the mastermind behind the law school talent show, as well as the *Pitt Law Chronicle*.

Pitt Law School students have, however, had the good fortune to have just such a professor in Ken Gormley. Professor Gormley will be leaving in January to enter private practice, but he will leave behind a long list of accomplishments; most of which have focused on improving the "quality of life" for the students at Pitt Law School. In only two and one-half years, his influence has been far-reaching and for this, the students at the law school are very grateful.

Alumni Rescue Newspaper

A law school newspaper serves many functions. It allows everyone in the law school community — from instructors to janitors — a chance to see what is going on within the four walls of this active, but sometimes secretive building. It allows students to vent their frustrations and hopes; to help shape the future of the law school with every bit of scrappy persistence that the faculty and Dean exert when they battle out issues at a faculty meeting.

A law school newspaper also provides the chance for a tiny bit of levity, in an environment where the struggle for law review and second-year jobs often makes us forget we once had a sense of humor, and interests apart from case citations.

For all of these reasons, the whole student body and faculty at the law school is indebted to the Law Alumni Association. Newspapers, even simple little law school newspapers, cost money. At a moment when it looked as if the Pitt Law Chronicle would become yet another failed idea, in a law school that still does not place a high enough priority on making its students well-rounded outside the classroom, the Law Alumni Association came to the rescue. That group has pledged its support for three issues of the paper this year, as a trial for the future.

It is important that students and faculty alike take the bull by the horns and mold the newspaper into a lasting institution at the law school. It is only if those inside the four walls of this law school write columns, and complain, and make gentle suggestions, and share their enthusiasm, and disgust, and visions for the future, that Pitt will really become one of the "top-20" law schools, as we have become so fond of calling ourselves.

Perfection takes work. And the newspaper is one step towards both.

Letters to the Editor

HATCH ON PITT LAW

Dear Editor,

I consider my experience as a student at the University of Pittsburgh Law School to be one of the most complete experiences of my life. Looking back on it, with apologies to Charles Dickens, it was the best of times, and the worst of times.

I was newly married when I started law school, and during the next three years I had to somehow manage to support my wife and myself and our growing family. (I feel so grateful for the school's honor scholarship it awarded me for the three years. If it hadn't been for that, I doubt I would have made it!)

And, of course, at the same time, I had to find time to get intimately acquainted with the law. In a way, the law school and my family resembled each other back in those days, each was enjoyable, as well as challenging. And each demanded nearly all of my time.

But throughout it all, like the check book my wife and I could never seem to balance, but finally did, we somehow managed to keep it all together. We learned more about life in general and law in particular during those three years than in any period of time since.

Now, from a distance of several years, with a long period of private trial practice behind me and closing in on a decade spent in the United States Senate, I suppose I can appreciate those school days even more, and see them from a larger perspective as an integral part of my development. I urge those presently attending this outstanding institution to make the most of it, to foster a real interest in the subject matter, and to enjoy the challenge of meeting a substantial academic challenge while maintaining a degree of wellroundedness away from the classroom. It won't be easy, but I know from personal experience you will be much better off for the experience.

Sincerely,
Senator Orrin Hatch
U.S. Senator, Utah

MOOT COURT

Dear Editor,

Moot Court is often the only practice a law student has for oral argument. Law students spend a great deal of time preparing their briefs and practicing their presentation of the issues. After oral argument, the evaluation of their court perofrmance should give the ideas for improvement, it should be constructive rather than destructive criticism.

Last year there were many instances in Moot Court evaluation that need now to be addressed. Criticism is important for improvement but, just as the participant prepares their oral argument, the judges need to think about what words they use in their criticism. A long and unfortunate history of sex discriminatioin in our country has left us with a legacy of assumptions that affect language, inequal responses are often automatic and may be unintentional — Effort needs to be exerted to erase this inequal treatment.

First, everyone in the competition is equally qualified to participate. All the participants have proved themselves academically and have fulfilled similar enrollment qualifications, or they wouldn't be here. **Judges should leave any preconceptions at home.** Last year a judge commented to a woman participant, "You looked so small and meek, I thought you would be eaten alive." This was meant as a compliment because she had done well. 'You spoke well and assertively.' — 'You presented your argument well.' — would have been more appropriate responses. After all, size has nothing to do with ability (we know because they didn't measure us when we applied).

In another instance a woman was told she was "too feminine". This was not a communicative response. Whose definition of feminine are we using? Can a woman be too feminine? What does it mean? This may have been a comment about assertiveness, volume, or speed of presentation. As a suggestion, we have adjectives for these qualities — 'You should try to speak louder.' — 'Speak lower.' — 'Speak faster.' — 'Use more assertive hand gestures.' — etc.

The evaluation/criticism is important enough that the judges should think about what they say. Nothing I am suggesting will be too difficult to implement and, the dynamics of the evaluation itself will be greatly improved. Criticism will be more eagerly listened to and accepted if it does not contain obvious or subtle biases and preconceptions.

Courtrooms ARE biased against women lawyers. This is more realistic. This is an introduction to the 'real' world. To refute this oft presented defense of inequal treatment may I point out that everyone here has been living in the 'real' world their entire lives. Using the prevalence of sexism to support sexist behavior is an inherently flawed argument. It is precisely the reason that it is important for members of the law student community to try to eliminate inequal treatment now — before they enter the legal community — because change is necessary.

Moot Court should be a learning experience for the students involved on the bench and at the bar. If the judges 'Watch Their Words' I feel the educational value of the competition will be enhanced for everyone involved.

Sarah Kerr, 2nd year student

HUNGER DRIVE

Please donate all aluminum cans to the barrels provided in the Student Lounge on the ground floor. The money collected from these cans (2.5¢/can) will go to the **Hunger Action Coalition** — a Pittsburgh group working on local hunger problems. If you would like more information, please contact Sue Schechter or Kate Livingston (through our law school mailboxes).

Confessions of a Stingray

by Prof. Anita Allen-Castellito

A portly, articulate gent in a bow tie putting devilish questions to an inarticulate first-year law student is what "Socratic Method" chiefly connotes in the minds of American television audiences and movie-goers. But just what is the "Socratic Method"? The question is significant because, despite the difficulty of employing it with skill and despite the terror and annoyance with which it is sometimes greeted, the "Socratic Method" enjoys a certain ambivalent popularity among professors and students here at the law school and around the country. As one first-year Pitt student was recently overheard to say, describing his favorite Socratic professor to a classmate, "he's brutal; he's good."

The pupils of Socrates himself were not so kind. Some of those on whom he managed to practice the original version of his namesake method forced him to drink hemlock. We learn form Plato's dialogues that the droll, self-effacing Socrates dazzled and humiliated his interlocutors with his pointed questioning.

Socrates sought to explain the nature of teaching and learning in Plato's dialogue, *Meno*. He attempted to show that true knowledge is innate and can be elicited even from an uneducated child by anyone who poses the right questions to the method of the stingray. The teachers make the educational kill with piercing questions that numb and perplex students into "rememberance" of what they innately know. Since we contemporary law professors and students do not believe that substantive legal knowlegde and the sophisticated analytical abilities of the lawyer are innate, how are we to justify reliance upon stingray pedagogy?

Not everything that goes by the name "Socratic Method" bears a significant resemblance to Socrates's stingray pedagogy. Some instructors and students use the expression loosely as a catch-all for all forms of teaching involving instructor-prompted analytical reasoning. There is a stricter usage of "Socratic Method" whereby it denotes a mode of law school teaching evidently inspired by Socrates' dialectical mode of reasoning and stingray pedagogy, but cut loose from Socrates' epistemological assumption of innate knowledge.

As I understand this stricter usage, "Socratic Method" denotes a particular way of subjecting rules, principles and other generalization of law, policy, common sense, and morality to the test of reasonability. It consists of: first, posing questions designed to elicit factual or normative generalizations from a student; second, posing further questions, frequently based on cases or hypothetical scenarios, for the purpose of testing the ultimate tenability of the initial generalization; and third, concentrating on the **student** the burden of demonstrating that the initially asserted generalizations and any subsequent assertations and conclusions are reasonable.

The virtues of this difficult method of teaching are easy to discern. It encourages careful attention to the logical implications of statements of general scope of the type frequently encountered in the practice of law. Use of the method can show quickly and clearly whether a rule or moral principle that first seems plausible (or even undeniable) is fatally ambiguous, inapplicable, or useless.

Professors who use the Socratic Method can get the results of the stingray. Use of the Socratic Method can result in a painful, embarrassing *reductio ad absurdum* of an initially tempting stance taken by a student. It can be a distressingly numbing and perplexing experience to be compelled to carefully trace the logical consequences of one's views, not knowing precisely where they will lead, before an audience of eighty-five classmates. It is particulary numbing to do so when one is expected to speak as lawyers speak and to have mastered (thanks to Dean Langdell of the Harvard Law School) the numerous cases and squibs in a casebook.

"The pupils of Socrates himself were not so kind. Some of those on whom he managed to practice the original version of his namesake method forced him to drink hemlock."

This explains the sense in which the Socratic Method is indeed "brutal." Any brutality in stingray pedagogy cannot be redeemed by the fact that professors who use it are sometimes admired and respected. It cannot be redeemed by reference to the harshly competitive real world of the legal profession. Nor can it be redeemed by claims of a special, exclusive relationship between rigor and the Socratic Method which is the only way to go for professors who do not wish to be soft on students.

Indeed, effective undergraduate, graduate, and professional school teaching is in many fields accomplished via lectures, group-discussion, problem solving exercises, and student presentations without reliance on the Socratic Method. There is no pedagogical reason why such methods, which are already used in teaching second- and third-year law classes, could not receive greater emphasis in first-year law school teaching.

The use of smaller, more intimate first-year sections can reduce the anxiety associated with the Socratic Method and hence constraints have prohibited outfitting law students with the luxuriously small classes enjoyed by graduate students in other disciplines. To an extent, Pitt Law School is in the vanguard — it does offer first-year students a number of smaller sections. In larger sections, alternating the Socratic Method with other approaches to teaching and learning can alleviate anxiety. So to can giving individual students advanced warning that their turn to hold-forth is coming. Also to be recommended are more democratic uses of the method. Moreover, students should be made to feel free to initiate Socratic exchanges with professors and classmates. While this would make it more difficult for professors to maintain a cagey distance, it could help to demystify the law school teaching and learning process by communicating that whatever validity the Socratic Method has does not derive from its being something professors perform on students.

As an experienced teacher, but novice teacher of law experimenting with a variety of approaches, my observations are necessarily tentative. A number of questions remain. One of them is whether female professors can more freely employ stingray pedagogy than their male colleagues. Social scientists report that women in positions of authority and leadership inspire less fear and intimidation than comparably placed men. Does this mean that women who teach law need worry less about the adverse consequences of the Socratic Method since their stings, however educationally effective, will be perceived by their students as more benign?

More copiers — How long must we wait?

by Carmen Stanziola

Consider the following scenario. You are doing research for a brief or memorandum and have found cases suitable for photocopying. Whereupon you stroll back to the photocopying room with your towering stack of case reporters, only to discover a line of people already encamped there with their own stacks of reporters. Because some other task is pressing, such as homework, you are forced to check back every fifteen minutes to see if the copiers are available or, worse, if they have stopped functioning altogether.

Do this situation seem familiar? Unfortunately, it is an all-too-frequent occurrence at the University of Pittsburgh Law Library, as most second- and third-year students will agree, and as most first-year students will soon discover. Two copiers are available for public use in the law school, at 5 cents a copy, for approximately 750 students. The only other machine available is reserved for various school organizations, which use a special card to gain access to the copier.

According to Sue Megarry, Administrative Assistant to the Law Library Director, the law school itself does not decide how many copiers are going to be available to students, but is bound by the decision of the Department of Management Services in the University Administration.

Megarry said that in the early months of 1984, the subject of acquiring additional copiers for the School was considered, but the University decided that the volume of copying done by law students did not warrant the additional expense. Proposed solutions such as the "Vend-a-Card" system were dismissed by the University as "cost prohibitive" and too much of a burden on personnel.

A recurring problem is that the copiers break down. According to Megarry, in addition to various mechanical and electrical problems, the machines suffer from problems with the coin [redacted] adapted to collect our nickels; ordinarily, most copiers do not have these "built-in".

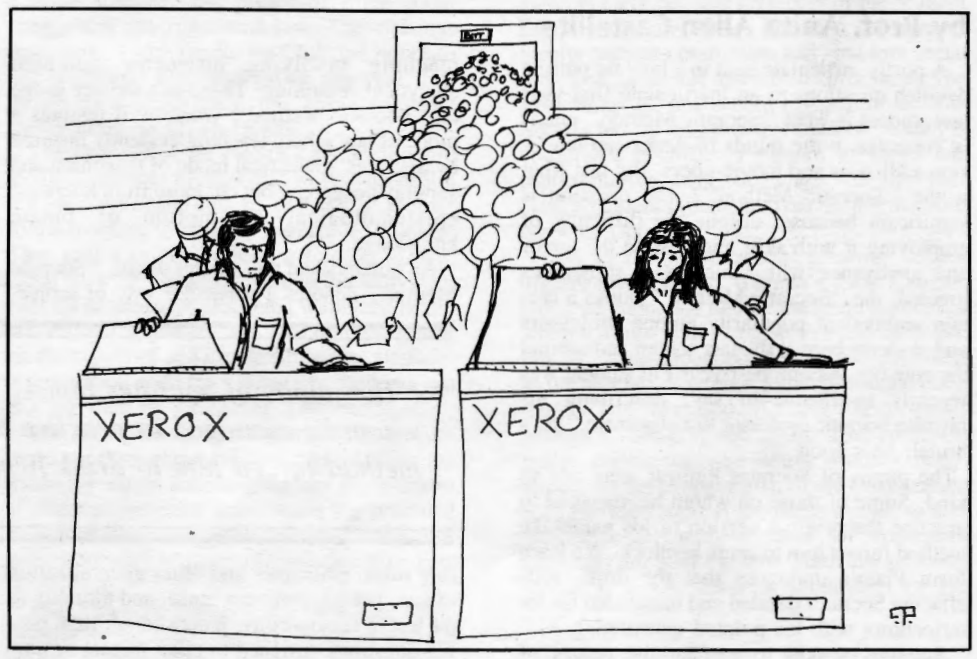
Where does this situation leave the students? The problems resulting from maintaining only two photocopying machines for approximately 750 students certainly merit renewed consideration by the law school administration and University, especially considering the policies practiced at other law schools in Pennsylvania.

For instance, the University of Pennsylvania operates five copying machines for its 750 students at 5 cents a copy, while Dickinson maintains three machines for 525 students at 10 cents a copy. Temple University has four copiers at 10 cents a copy. These figures demonstrate a need for a greater number of copiers at the University of Pittsburgh.

The available copying machines are subjected to heavy use throughout the school year, and even during the summer by both attorneys and students who have law-related summer jobs. However, the worst period during the year is near the due dates of memos and briefs for the first-year class. I recall vividly occasions where I was forced to wait in line behind other students who were also photocopying numerous cases; the net result was lost time which could have been better spent on more research and writing. Furthermore, by having to wait, an individual may be encouraged to hide a particular reporter, or even tear the pages out of them.

It is time for further evaulation of photocopying needs of students at the law school. It may be desirable, in line with the policies of other Pennsylvania law schools, to add at least one, possible two machines to the law library. If there is any available space on either the third or fifth floor, this would probably be the most approporiate for the students' needs. Not only would additional copiers benefit both students and attorneys who depend on them, but it would partially alleviate the heavy use and frequent breakdown of the present machines, since use will be more evenly spread. Conceivably, the net result would be a savings to the University in the form of lower repair costs, and while rental costs are admittedly high, repair costs can be quite expensive in the long run.

A further problem exists with the method of payment. Coin boxes have been adapted to the copiers in order to help defray their maintainence costs. Problems have resulted from the machines' receiving improper coins or other foreign materials, which causes breakdowns. While such practices admittedly should not occur, the present system requires that the students bring a pocketful of change to the copying room; upon running out of change, the student must make change either at the change machine in the lounge, or outside the school because the library will not make change.



Past discussions about possible atlernatives to the present system have centered on the "Vend-a-Card" system, which is operating in the Hillman Library. Under this system, students can purchase a special card and a certain amount of copies encoded on the card's magnetic strip, at 5 cents a copy. After each copy, the cost is deducted from the card; the cards are renewable. The University of Pennsylvania uses this system in its law school.

In fact, the system's merits have been outlined in *University Libraries — A Guide*, published by the University. It would save a great deal of waiting time for students, and would not involve much bookkeeping; only a record of individual transactions by students. Although the University says it is "cost-prohibitive", its use at Hillman demonstrates that it may be feasible to introduce it at the law school. A small fee payable by each student would, in the aggregate, cover the costs of the system, in additon to any required maintainence.

It is important that alternatives to the present system be considered, for if the law school is to maintain its reputation as one of the top 20 in the country, we must strive for excellence in our total learning environment, including, yes, our copying machines.

Law school in retrospect

PSYCHOLOGY CORNER
In Perspective, By Dr. "Cavendish" Grabow

The rigidity of the first year of institutionalized legal training takes its toll upon the mental, as well as the physical, well-being. When submerged in legal doctrine and case analysis, one learns that law is a world of utmost rationality, a self-enclosed system of logic.

Everything that law embodies belongs to the realm of the understandable. No obscurity exists that cannot be explained. All is cloaked in the armor of reason. It is in this atmosphere of coffee, concentration and categorization that reason prevails while, at the same time, the unconscious mind restlessly broods.

In this early extensive stage of legal training the unconscious may continue to "knock at the back door," as the individual's needs of expression are, as a rule, not met when professors require, above all, mimicry of ideas and speech. So last night you dreamed, with exceptional vividness, that a few of your old long-forgotten acquaintances showed up at your doorstep with bouquets of roses and remembrances. And lately you find that meeting new people isn't as interesting as it used to be because you've got nothing to say.

Psychology teaches us that achievement and usefulness are the ideals which appear to guide us out of the confusion of crowding problems. However, this too is denied to the law student who soon discovers that the possibility of achievement in the first year is highly limited and the ultimate standard for "achievement" is monstrously ignorant of creativity and individuality. Admittedly, proximate cause is an elusive concept, but did you ever see "the collective unconscious" or "inner man" keynoted in West's Digest? Indeed, the unconscious mind may do more than knock — it may carefully sneak up the fire escape, pry open the window and jump under the covers with a haunting and mysterious chill. The question, "How did I get here?" suddenly becomes a most bizarre and troubling inquiry. This, however, is not the time for extensive analysis. You've got too damn much to do!

The question, "How did I get here?" Suddenly becomes a most bizarre and troubling inquiry. This, however, is not the time for extensive analysis.

It may help to note that when we, as human beings, must deal with problems, we instinctively refuse to find the way that leads through darkness and obscurity. We choose to have certainties and no doubts without seeing that certainties can arise only through doubt and results through experiement. We wish to make our lives simple, certain and smooth, and for that reason problems are taboo. However, the artful denial of a problem will not produce conviction; instead, a wider consciousness is called for to give us the certainty and clarity we need.

In general, an analogy may be drawn between law school and society. Society, or for that matter nature, cares nothing about a higher level of consciousness — quite the contrary. Of course, to win for oneself a place in society and to transform one's nature so that it is more or less fitted to this existence is an important achievement.

But such a transformation may be difficult, expecially when it involves regimented study in a field where the ultimate test is, inevitably, "Is it reasonable?"

Thus it may be useful to reckon with a few basic facts. First of all, law professors are professional pipefitters. They may also be pipe smokers, for which I recommend my all-imported, less than $9.99 briarwoods. They are tradesmen, not gurus. Understanding *International Shoe* may require many things, but one of those things is clearly not mental stability.

Secondly, any transformation is a fight waged within oneself as well as outside, comparable to the struggle of the child to defend his ego. Some will distinguish themselves early, some later and some never. But we should not overlook the fact that the achievements which society rewards are won at the cost of a diminution of personality. Many aspects of life which should also be experienced, lie under grey ashes.

So it is with the first year of law school. Your waking hours are taken by a laundry list of things to do, rules to learn and outlines to write. It is no more the time to ask whether there is something more purposeful than Gilbert's than it is to ask whether there is something more purposeful than electrons, or so it would appear.

What shall I do this summer?

It was my first day on the job. My first year at Pitt Law School was over and I had a summer job with a respectable law firm in eastern Pennsylvania.

"What do you know about 'dour' interests?" is what I thought one of the top partners asked me. How was I to know he meant 'dower'? I'd never even seen the word before.

"Very little," I replied, playing it safe.

"How little?" he persisted.

"Nothing," I confessed, fully expecting that he would tell me where the library was so I could "bone up." Instead, he sent me to Motor Vehicle to get his car inspected. Half of my first day on the job was spent in an unending line with housewives getting a sticker for their husbands' cars. The only satisfaction I got was when the car failed. That made two of us. Later, when I looked up 'dower,' I felt like the Cockney who lost the spelling bee on the word "auspice."

The next day I was assigned to a Chapter 11 Bankruptcy case. I was sure of myself only to the extent that I figured it came after Chapter 10. I was always pretty good at counting. I have to confess that the Eleven was enlightening, and I learned a lot, especially that there are more "crooks" in this world than there are lawyers. That should be of some consolation to all of us who are entering what now appears to be an overpopulated profession.

After I had completed my part of the work on the Chapter 11 case, I was assigned to an associate who was preparing an S-1 Registration Statement under the aegis of another partner who specialized in SEC work. I was stuck with the assignment for over two weeks. The partner wanted to get as little back in the Commission's first letter of deficiencies as possible. I suggested that we make the first ten pages letter perfect. Surely, by page ten, the reviewer would fall asleep and the rest would never be scrutinized. I couldn't even read three pages at a clip. Boring! I inquired around the office if anyone needed his car inspected.

The person who taught me the most all summer was a young, female lawyer. Best of all, she was single and unattached. The education was better than I could have imagined. Theory is okay, but practice is practive. It made me anxious to get back to Law School to prepare for more of the same.

Michael Shepard

The Return of Capital Punishment in Pa.

POINT

by Jon A. Hoppe

This summer, a time-worn legal controversy was revived in Pennsylvania. For the first time in more than twenty years, the Commonwealth has taken serious steps toward putting its most heinous criminals to death. When Governor Richard Thornburgh signed the death warrants of John Lesko, Michael Travaglia and Keith Zettlemoyer, he resurrected questions not only of the morality of capital punishment, but also of the very purpose of our penal system: its values, its fairness, its fallibility.

Many agree with those who feel that if anyone deserves to be put to death, it is Lesko, Travaglia and Zettlemoyer. Lesko and Travaglia were thrill killers who took four lives in a seven day span between Dec. 29, 1979 and Jan. 4, 1980, culminating with the murder of a small town policeman. Zettlemoyer tortured and murdered a man who was to testify against him.

The Commonwealth is serious about dealing with these criminals and others like them. An executioner has been hired. Dates have been set. The electric chair has been taken out of storage at Rockview Correctional Facility and is ready for use for the first time since Elmo Smith died by electrocution for the rape-murder of a teenage girl in 1962.

The classic pro-capital punishment arguments are revenge, punishment, protection, and deterrence. But are we a vengeful society? Where is the fine line between justice and revenge? What has happened to rehabilitation? Have we perfected our legal and penal systems to the point where we can fairly and accurately mete out punishment? Does punishment prevent crime or inspire it? If our legal and penal systems are to be viewed as important reflections of our society, and they should be, these questions should be carefully re-examined.

The families and friends of the victims would have us believe that these executions are tools of justice in the form of punishment, rather than the institution of revenge. Yet, as typically quoted in the media, one can't help but read undertones of vengeance in their sentiments. For example, "They took my daughter's life and now they should lose theirs." "If they don't (die) justice will not be done."

It is this amalgamation of revenge, justice and punishment that is most troubling about the death penalty. It fosters confusion and inconsistency. For less serious crimes, the punishment is not identical to the criminal activity. Perpetrators of assault and battery are not battered by the government; thieves are not robbed; rapists are not castrated. Why are murderers killed?

The idea of justice through punishment is troublesome when one considers the record of our penal system in dealing with non-capital felons. (Recidivism among paroled and released prisoners is blamed on the conditions of our correctional institutions.) This is one of the great fears claimed to be allayed by the finality of capital punishment; but perhaps if our penal system focused more on rehabilitation and a philosophy of re-education over punishment we'd have less violence within (and emerging from) our prisons, less negative feelings that prison won't change heinous criminals, and less need for capital punishment.

Fairness and accuracy are concerns of any major facet of human society. On the issue of capital punishment they are no less important. We should not forget that we have made irreversible mistakes in the past. Irreversibility is as rivetting and saddening as the effects of murder on any victim's family and friends. Let us also not forget that great legal minds have questioned the equity with which capital punishment is administered among various groups in society. The likelihood is, despite new and more stringent laws, that most condemned criminals will be black or poor or both. The fact that indigents will make up a majority of the criminals who will face capital punishment offends our sense of equity.

The deterrent theory of capital punishment has been expressed in many different ways, but none as surprising as in the Aug. 3, 1985 editorial in the *Pittsburgh Press* in which the death penalty is presented as self-defense by society through the use of deadly force. (However, the *Press* editors ignore limits on the use of deadly force.)

The hypocrisy of the death penalty as a deterrent may have been exemplefied by scientific evidence of the effect of actions of authority figures on those under their authority. Several years ago the American Cancer Society released a study showing that children of parents who smoke were far more likely to smoke cigarettes than children of parents who did not smoke. Observed behavior of those in positions of respect, by those who are impressionable, will often be seen as proper behavior. The government of this Commonwealth needs to reconsider its physical endorsement of the taking of life — even as punishment. We may be teaching our children about the seriousness of committing capital crimes; but the question remains — are we teaching our children well?

Photo by David S. Bloom

The first-year class was welcomed to the law school at orientation day with long lines and many questions.

COUNTERPOINT

by Edward T. Zatsick

"The death penalty is nothing more than a lottery depending more on whether you're rich or poor or on the quality of your lawyer than on the crime you committed."

—Barry Steinhardt,
Executive Director
Pennsylvania American
Civil Liberties Union

"It is the respect for human life which underlies our imposition of the maximum deterrent and penalty for those who murder in cold blood."

—Richard Thornburgh,
Governor of Pennsylvania

And so the argument goes.

On August 1 of this year, Governor Thornburgh signed warrants authorizing death by electrocution for John Lesko. Michael Travaglia and Keith Zettlemoyer. If and when these men go to the electric chair, it will mark the first time since 1962 that capital punishment has been enacted in Pennsylvania. The Governor's act has brought renewed interest and debate as to the wisdom and legality of capital punishment.

Currently in Pennsylvania, the legislature views the death penalty as a proper and necessary means of punishment. In 1972, the United States Supreme Court, in *Furman v. Georgia*, struck down death penalty statutes in three states. (Three of the Justices joined with the 5-4 majority based on the belief that death sentences were given in an arbitrary and capricious manner). As a result of the *Furman* decision, 35 states passed new statutes which called for the death penalty in crimes that resulted in the death of another person. In 1976, the basic constitutionality of the death penalty was upheld by the Supreme Court in *Gregg v. Georgia*. The Court also upheld the legality of those state statutes which laid out specific guidelines as to when capital punishment can be imposed. The Pennsylvania death penalty statute is based on the Court's rationale in *Gregg*.

Under the Pennsylvania statute, once a person has been convicted of first degree murder a separate sentencing hearing is held. In order for a defendant to receive the death penalty, the jury must unanimously find that the aggravating circumstances of the crime outweigh any mitigating circumstances. The Commonwealth must prove at least one beyond a reasonable doubt. Whether the victim was a police officer who was killed in the line of duty; whether the murder was comitted during the perpetration of a felony; and whether torture was used against the victim are examples of aggravating circumstances. Mitigating circumstances, by contrast, need only be proved by a preponderance of the evidence. Seven mitigating circumstances are listed in the statute, but the jury is not limited by those listed. In the sentencing hearing, the defense is allowed to introduce evidence concerning the defendant's prior criminal history if any, his age at the time of the crime, and "any other evidence concerning the character and record of the defendant." A jury thus goes beyond the scope of the crime itself and examines many facets of the defendant's entire life to determine if he should pay for the crime with his life. If the mitigating circumstances outweigh the aggravating ones, the sentence cannot be death.

Additionally, every sentence of death is subject to an automatic review by the Pennsylvania Supreme Court. This Court has the power to reverse the sentence if it finds prejudice against the defendant on the part of the jury. The statute takes measures to insure that the death penalty is not imposed in an arbitrary manner.

A judge and jury have guidelines that must be followed for one to be sentenced to death. Judges and juries appear to be following these guidelines. Since the statute's enactment in 1978, only 53 people have been sentenced to die in this state.

Strict adherence to the statute, however, does not resolve the underlying controvesy of capital punishment. The question still remains whether society as a whole has the legitimate right to take the life of another in the name of justice. In arguing against the death penalty for any offense in the *Furman* opinion, Justice Brennan stated death by the state "involves, by its very nature, a denial of the executed person's humanity." This point, however, simply begs another question; namely, what about the denial of the victim's humanity? Much is written about the rights of the accused, but precious little is mentioned about the lives they took. In the course of a six day spree, John Lesko and Michael Travaglia took the lives of four people. One man was tortured and then drowned. A rookie policeman was gunned down because he had the misfortune of stopping Lesko and Travaglia for a speeding violation. Keith Zettlemoyer handcuffed his victim before he shot him twice in the back.

What does this all mean? If anything, it shows how fair the Pennsylvania death sentence statute and others with similar provisions across the country are. Lesko, Travaglia and Zettlemoyer were sentenced to death in a non-capricious manner by a jury after weighing all of the aggravating and mitigating circumstances. Much less can be said of their victims. These men did not take into account their victim's age, or character. These men took life in an arbitrary and capricious manner.

Those who argue against capital punishment speak frequently on its lack of deterrence on violent crime. A great number of statistical studies done in the wake of the *Gregg* support their point. Such a finding should not be too surprising. Since Cain killed Abel, murder has been an integral part of man's history. Deterence alone, however, is not the sole reason why many states today sanction the death penalty. The Supreme Court in *Gregg* stated that while the idea of retribution is no longer the dominant objective of the criminal law, it is not inconsistent with our respect for the dignity of man." Certain crimes are so heinous and endanger the well being of the community that the penalty of death is the only response to such a crime. For a society to function effectively, the punishment must fit the crime. Justice is at times harsh. So is murder. People such as Lesko, Travaglia and Zettlemoyer had their day in court, which is more than can be said for their victims.

Professors with a Past

(or before I taught law)

by John Kooser

Have you ever wondered how your favorite professors paid the rent in their younger days? Have they been law teachers from early childhood, briefing "Romper Room" and firing questions at their stuffed animals? Or could it be that some followed detours along their vocational voyages to 3600 Forbes Avenue?

John Burkoff occupied a variety of jobs during his undergraduate days at the University of Michigan. "One summer, I was a Fuller Brush Man in Dearborne, Michigan." Was he a good salesman? "Of course. I still have some of the brushes," he said, smiling. "No, actually I made a fortune. I could set my own prices, and some of my customers were pretty bad at math. I was good at making them think they were saving money when they were really paying more, say two for a dollar or three for $1.75."

Burkoff's strangest and saddest memories, however, stem from his summer stint as a process server for a Michigan law firm. "I served a six-year-old boy while he was in his swing set." Burkoff said. "I also had to serve a seventy-five-year-old man, who had been married for fifty years, with divorce papers. He had no idea it was coming. He totally broke down."

Did any reluctant subjects ever resist service? "Oh, sure. I was threatened with guns. I couldn't even count the dogs I had sicked on me. I remember one late evening in particular. The wife of a man I was to serve divorce papers on, called to tell me where he was. I staked out the motel all night until the guy came out at seven the next morning. I told him I wanted his signature for a petition, but he figured out who I was, jumped into his car, slammed it into reverse and tried to run me over. But I jumped out of the way and shoved the papers through his window. I took off after him in my car, but he outdistanced me."

He didn't get away, did he? "No," Burkoff recalled. "The court ruled that my touching the car was valid service. That's still good law in Michigan."

Dean Richard Pierce faced adversity of a different nature prior to embarking on a legal career — the Alaskan elements as a Coast Guard officer. "I enlisted right after college, and was assigned as an operations officer on a buoy-tender," Pierce said. "We were headquartered in a totally isolated fishing village called Cordova. The only way to get there was by airplane, when the weather permitted, or by ship. The population fluctuated from five hundred in the winter to 12 hundred in the summer."

"The weather could be savage up there. There were times when the waves reached fifty feet. In one storm, six of our men hit the water. Two of them were dead within one minute, and two more were dead within five," said Pierce.

The responsibilities of Pierce's contingent included surveillance over a large Soviet fishing fleet — over two hundred ships. "Three of the six areas in U.S. territorial waters where Russian ships could dock were in our operating area," Pierce remembered. "Part of our job was to clear them for docking places and times. They would get clearance for three ships for three days, then sneak those three out the first night and try to get three more in for repairs before their time was up. But there was no real tension between us. They just wanted to make their repairs and get home."

What did he do in his spare time in Alaska? "When we got leave," Pierce recalled, "sometimes we'd work as longshoremen unloading salmon boats. We'd work for seventy-two straight hours without sleep. When I got to law school, people were complaining about the sixty and seventy hour weeks. But to me, it seemed like relaxation. Compared to Alaska, it was a piece of cake."

The mention of cake would no doubt remind Cyril Fox of his summer hours in a Pittsburgh angel food cake bakery. "A man I worked with," Fox recalled, "was cleaning out the chutes to an overhead dough hopper. Somehow, the chute swung shut, cutting off two of his fingers. I'm not sure what happened to the fingers, but to this day I won't eat angel food cake."

Fox held numerous other jobs before entering law school, including driving a truck as a laborer one summer. "I was also a sales clerk after college, in a bargain basement department store. I did just about everything but short order cook," Fox said. "I could never get the eggs to break right."

Jules Lobel also picked up work experience in a Wonder Bread bakery in New York City. "I worked just about every job in the bakery," Lobel recounted. "I remember they put me in the mixing department as a mixer's helper. A series of bells would ring to indicate when it was time to add the different ingredients. Once the dough was mixed, a final bell would ring and I would open a chute, dumping about twelve hundred pounds of dough down into another machine. The only problem was that I am totally tone deaf, so I couldn't tell the bells apart. One day I was really busy, and forgot that I had already filled the machine below me. When I heard the next bell ring, I dropped all that dough, and it had nowhere to go. The machine overflowed all over a foreman and the general manager, who happened to be standing near by. That was my last day in the mixing department."

Lobel also worked as a cab driver in New York City. "I used to be a good driver before driving a cab," he said. "Now, whenever I see a hole in traffic, I instinctively go for it. Most drivers in Pittsburgh aren't like that. To me, they seem overly cautious."

New Programs Aid Women

by Monica Deoras

A few years ago, the YWCA of Pittsburgh studied the issue of housing for battered women. Thier research revealed a need for transitional housing for women leaving crisis shelters. Thus, the idea of Bridge Housing was born.

Bridge Housing provides a home for battered women, after they have left a shelter. Most women's crisis shelters provide housing for only thirty days. After thirty days, the women are forced to leave with a large percentage of themoften returning to the same situation they were intially trying to escape. Bridge Housing provides an alternative for these women.

The Bridge Housing project is the brainchild of Jugy Gettl and Laura Dougherty. Gettl is the Director of Women and Counseling Services at the YWCA and has been involved with this project from its inception. She invited Laura Dougherty to help her plan and coordinate the project.

According to Dougherty, "The focus is on helping women achieve independence and self-esteem. It gives them time to re-evaluate their lives. Perhaps, most importantly, it helps them discover alternatives."

In conjunction with this and other programs of the YWCA, attorney Chris Miller is planning a women's law clinic, designed not only to help the women in the crisis shelters, but also other women int he community. Miller worked with Chrysalis, a women's legal aid clinic in Minneapolis. Miller said, "Although the program in Pittsburgh is still in its planning stage, it has received a great deal of enthusiasm and support within the legal community."

Miller said the idea of the program is "to provide a sense of direction for those who are not clear as to what they need to do and have questions they would like to see answered."

She noted that the experience of similar groups has been that most counseling sessions do not lead to pro bono handling of legal problems. The clients seem to benefit from the evaluation, clarification and direction provided during the counseling session, and it appears that the problem cannot be handled within the counseling session, the client would be referred to an outside attorney. The client may not hire the attorney who has counseled her.

PITT LAW HISTORY: Red-ball and Other Stories

by Ken Gormley

The way Frank Yourick remembers the Law School, back in 1968, it was a family kind of setting. Classes were small; held in classrooms on three different floors of the Cathedral of learning. Students sat on long benches in alphabetical order. "That's the way law school was from the beginning of time," says Yourick, who is now a partner in DeMarco, Yourick & Davies downtown.

A young fellow named Ed Symons was also a student in the class. "He was a booker," recalls Yourick. "A real beaver. He came to school well-dressed. Paid attention in class. At the end of the day everyone else had a beer (at"Dirty Ed's"), or played ping-pong. Ed went right to the library and reviewed his notes from the day's activity. Let me tell you — he was not an active participant in any shenanigans." ("The truth of the matter," says Symons, "was that I showed up at Dirty Ed's at 7:00 p.m. when my work was done. Those other guys went before they even got started.")

Whatever the truth about Dirty Ed's, there were plenty of shenanigans taking place in the Cathedral. Yourick and his friends became very active in classroom projects, including one in Professor Bookstaver's Estates & Trusts course.

"The whole first semester was Future Interests. nobody could understand a thing. So we developed this game, to keep up our interest in the class."

According to Yourick, the "game" revolved around the fact that Professor Bookstaver occasionally enjoyed stating obcure legal propositions, and backing them up with a string of citations dating back to the beginning of mankind.

"Bookstaver would put his glasses down on the tip of his nose and say 'When the Yankee Clipper returns from China...' and cite ten cases in a row from the King's Bench. Going back to the 17th Century, up to Pennsylvania's latest case."

Yourick and his cohorts — including Bernie Marcus, Ted Brooks, Gerald Marcovsky, Rick Davis, Mike Kelly, among others — didn't bother much with taking notes. But they did put down $5, each, to predict the last number of the final citation professor Bookstaver would utter before the bell rang.

"Say it was 68 king's Bench 641," explained Yourick. "The active cite was 641. Whoever got closest before the bell went off, won."

The game got out of control, though, once students discovered they could "set Bookie up." This was accomplished by baiting him into repeating a cite a few minutes before the bell.

"Five minutes before the bell, someone would raise their hand and say, 'Professor Bookstaver — what was that cite for *Queens v. King* again?' He'd be impressed that anybody could even rmember. So he'd flip through his notes from the past day and announce: '28 King's Bench 50.' That meant 50 was now the active cite."

It also meant that a mad scramble developed at the end of class. hands would shoot up, students hollering "What about this case?..." trying to induce Professor Bookstaver to give one more cite. "The end of the class got quite chaotic," said Yourick.

So chaotic that Ed Symons recalls the day when Yourick had to lunge out of his seat and yell — "Too late. After the bell!" — to stop the barrage of questioning after half the class had already walked out the door. Rules were later developed to disqualify students who insisted on trying to "set Bookie up."

For most of the semester, the game continued at a brisk pace. Until one day Professor Bookstaver gave a string of citations, looked out over the classroom, and said: "28 King's Bench. And for those of you in the pool...it's page 385."

If the antics in Professor Bookstaver's class were famous, the game of red-ball was legendary. It all began in the late 1960's, when Atlantic-Richfield gas stations began giving out little red styrofoam balls to put on car antennas.

Yourick remembers the day the game was invented: "Someone just pulled one off an antenna on the way to school and said 'What is this?' We took it right into class — in the main classroom of the Cathedral — and started hitting it against the wall like racquetball."

Soon a whole game developed. A bench was used as a dividing line between the two teams. Rules were drawn up. Wayne DeLuca, now a partner in Damian & DeLuca downtown — was given the job of Line Official. He set up a chair on top of the desks, so he was a good fifteen feet in the air, and called line shots while he ate his brown bag lunc. "Out. In. Out!"

The problem, according to Yourick, was that the classroom was freshly painted. "Every time you hit it, it left a little red dot. Before long there were 1,000 red dots on the wall. It was willful destruction of property. Really terrible."

Then one day in the middle of a big game, Dean Sell came walking in. "Can you imagine — with Wayne DeLuca 15 feet in the air?" says Yourick. "Luckily, one of the participants was Harry Gruener. He was one of the beavers in the class. Dean Sell decided to look the other way."

But nobody could look the other way the night they smashed out a door on the 13th floor, playing red-ball.

"Ted Brooks and I — he's now a partner at Tucker, Arensberg — we were playing late at night. I made a shot and Ted put his elbow through a pane of glass in a door on the 13th floor. What are we going to do, we said to ourselves?"

What they did, naturally, was clean up the glass and take the elevator down to the 6th floor. There they found a door with a solid pane of glass, took it off its hinges, lugges it up the elevator, and switched it with a shattered door from the 13th floor. A perfect play to divert suspicion away from anybody connected with the Law School.

This was about 1:30 in the morning, as Yourick remembers it. They finished their handiwork, wiped off their hands, and got ready to sneak out of the Law School undetected. That's when Yourick noticed it. The door said " Room 602 " on it.

The next day, Ted Brooks went to the assistant Dean's office, and confessed the crime.

What does Yourick think about law students today? "They're a very serious group--under too much pressure," he said. "A little red-ball might be good therapy."

Freeman and Medoff re-examine the purpose behind American labor movement

Book Review by Michael J. Goldberg

The National Labor Relations Act celebrated its 50th anniversary this year, and that milestone has been marked by renewed speculation about the future of the labor movement in this country. In terms of relative strength and influence, unions have been in a state of chronic decline for almost thirty years, and many people wonder whether they are worth saving. What Do Unions Do ?, an outstanding empirical analysis of the role of unions in the American economy by two Harvard economists, suggests that they are.

The overriding theme of What Do Unions Do? is that unions have two "faces," one bad and one good: " a monopoly face, associated with [unions'] monopolistic power to raise wages; and a collective voice/institutional response face, associated with their representation of organized workers within enterprises." The authors concede that to the extent unions operate as monopoly institutions, unions can harm a capitalistic economy in a number of ways:

> First, union-won wage increases cause a misallocation of resources by inducing organized firms to hire fewer workers, to use more capital per worker, and to hire workers of higher quality than is socially optimal. Second, strikes called to force management to accept union demands reduce gross national product. Third, union contract provisions--such as limits on the loads that can be handled by workers, restrictions on tasks performed, and featherbedding--lower the productivity of labor and capital.

On the other hand, the collective voice face of unionism can actually enhance the productivity of enterprises. For example, collectively bargained seniority rules and grievance procedures have the effect of reducing quit rates and thereby lower hiring and training costs. The presence of unions also puts pressure on management to organize production more efficiently in order to preserve profits in the face of higher wages. Moreover, unions provide an important political voice for working people that makes our political process somewhat more democratic.

The question Freeman and Medoff attempt to answer is, which face predominates? Are critics of the labor movement correct that the inefficiencies and lowered profit margins associated with the labor movement's monopoly face make unions costlyand unnecessary relics of an earlier era? Or do the benefits associated with unions' collective voice face reach sufficiently beyond the shrinking membership of the labor movement to outweigh the costs?

Freeman and Medoff's answer is that economic costs and benefits of unionism roughly cancell each other out. They estimate that "union monopoly wage gains cost the economy 0.2 to 0.4 percent of gross national product, which in 1980 amounted to about ... $20.00 to $40.00 per person." The benefitsof lower turnover rates among unionized employees resulting from unionism's collective voice face, on the other hand, lower employer costs by one to two percent and constitute a benefit to unionized employees that translates into a 0.2 to 0.3 percent increase in the gross national product, or $20.00 to $30.00 per person--nearly the equivalent imposed by the monpoly face.

Moreover, Freeman and Medoff present a persuasive case that the benefits of unionism reach far beyond the ranks of organized workers. When some workers in the firm obtain higher wages and benefits through unionization, management tends to extend similar increases to their nonunion employees. In addition, many large nonunion firms seek to avoid unionization by paying higher wages and offering more fringe benefits that they otherwise would. Even failed union organizing drives frequently result in wage and benefit increases for the target employees, although these increases are presumably smaller than those which would have accompanied unionization.

Nevertheless, critics of unions often assert that unions achieve high wages for their members at the expense of lower paid nonunion workers, suggesting that unions are not the egalitarian force they claim to be. Freeman and Medoff concede that the wages of some workers are raised at the expense of others, but they argue that that increase in inequality "is dwarfed" by a number of other union wage effects that reduce inequality. For example, union wage policies tend to reduce inequality of wages within enterprises, promote equal pay for equal work across enterprises, and reduce the wage gap between white-collar and blue-collar workers. When these effects are factored into tyhe equation, the evidence indicates that unions reduce wage inequality by about three percent overall.

A common feature of many empirical studies is that much of what they prove is intuitively obvious, and this is certainly true of many of freeman and Medoff's findings. For example, they confirm one of the labor movement's most basic assumptions, that the larger the protion of workers organized in a particular market, the greater the impact on wages the union is likely to have.

But empirical research has its greatest impact when it disproves--or at least calls into question--undocumented but commonly held beliefs, and What Do Unions Do? accomplishes this with great frequency. For example, it is commonly assumed that union wage gains are a major contributor to inflation, but Freeman and Medoff demonstrate that union wage increases accounted for only "a miniscule share" of the inflation between 1975 and 1981.

By the authors' own admission, the most controversial--and to some, one of the most counterintuitive--of their conclusions is one noted earlier, that productivity is generally higher in unionized establishments than in otherwise comparable nonunion establishments. And as anticipated, a number of commentators have criticized either the methodology or the relatively small volume of data the authors relied upon to reach the conclusion.

Not being an economist, I am reluctant to enter that fray, but there is one factor that both Freeman and Medoff and their critics seem to have overlooked and which, if incorporated into the analysis, could lend some support to Freeman and Medoff's position. That factor is the role unions must play, given the constraints of modern labor law, in maintaining production by preventing wildcat strikes and slowdowns and by otherwise helping to maintain a disciplined workforce. As a Senate report on the Taft-Hartley Act put it, " The chief advantage which an employer can reasonably expect from a collective labor agreement is assurance of interrupted operation during the term of the agreement." The long and often violent history of labor protest in this country demonstrates that even without unions, aggrieved workers will often disrupt production in efforts to resolve their grievances, and the role of modern unions in curtailing those disruptions must be examined before the whole effect of unions on productivity can be measured.

When the authors ventured beyond economics into labor law,unfortunately I found their work less satisfactory. For example, they correctly point out that the National Labor Relations Act's largely toothless remedies are a major contributing to the union movement's decline, but they overstate their case by incorrectly assuming that all unfair labor practices in violation of section 8(a)(3) of the Act occur during union organizing campaigns. Similarly, they minimize the problem of undemocratic practices in unions by giving too much weight to the infrequency with which the Department of labor seeks to rerun uniuon elections pursuant to the Landrum-Griffin Act. In fact, the Department's enforcement record is seriously flawed, and other indicia suggest that many unions ara far less democratic than they should be.

In spite of these shortcomings, What Do Unions Do? is a major achievement. Its findings provide supporters of the labor movement with the facts and figures they need to respond to the claim that unions are a drag on the economy we can no longer afford. But in the end, the strongest case for unionism has never been that unions pay for themselves. Efficiency is not the only value in the employment relationship. Unions at their best seek to bring to the workplace a model of industrial democracy that promotes decent, safe working conditions and a level of human dignity that is impossible to measure in dollars and cents.

Professor Golberg will join the Pitt Law School faculty in January, 1986 and was kind enough to adapt this article from a book review forthcoming in the Michigan Law Review.

Alum Succeeds

Four years ago, she was a junior attorney on a corporate deal for Giant Eagle. Now she is the General Counsel for that same corporation.

Charity Imbrie, a 1980 graduate of the University of Pittsburgh School of Law, is evidence that not all of the high-paying, high-ranking positions are held by attorneys with years of experience.

While Imbrie's original career goals (she "wanted to be a litigator") did not include a career as a corporate lawyer, that is exactly what she is called. She was faced with a few decisions after being recruited by the prestigious law firm of Berkman, Ruslander, Pohl, Lieber & Engel, which included rearranging her career goals and establishing Pittsburgh as her home.

Since doing so, the 31-year-old attorney has become involved in a number of community organizations including an active role in Pittsburgh Action Against Rape (PAAR). In addition to her responsibilities as Chairman of the Board, Imbrie devotes time to shifts on the Rape Hotline, the organization's emergency support system. Through her affiliation with Giant Eagle, she also has become involved with the Greater Pittsburgh Community Food Bank, holding a seat on their Board.

Having found success in a short period of time, Ms. Imbrie is able to reflect on her education at Pitt, which, she says "has an excellent faculty," and offer some advice to current law students. While she believes that students should concentrate on classes taught by professors they respect, students should not limit themselves to a particular field or interest prematurely.

She notes that it is important to investigate opportunities other than the obvious ones. Ms. Imbrie also feels that small corporations can afford opportunities for growth that should not be dismissed.

Between learning the operations of Giant Eagle, from warehousing to retailing, and continuing her community work, Charity Imbrie has no time to be bored. When she takes a moment to think about the future, she says that in ten years she would like to hold a senior executive position with Giant Eagle. And she probably will be doing just that — not bad for a recent graduate.

By Hollie A. Bernstein Rudov

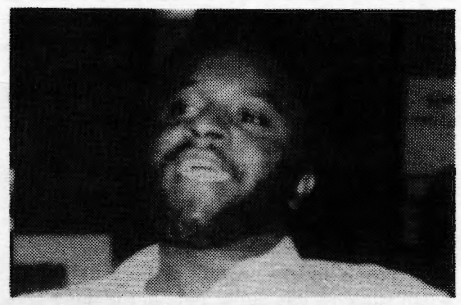
WHO SAYS LAW STUDENTS AREN'T DYNAMIC AND EXCITING?

Roving Reporter

Question: *If you were representing a client at trial and the opposing side called all Pitt law professors as witnesses, who would you least like to cross-examine and why?*

Sally Updike, Second Year: *Professor Symons because his answer could be better than my question.*

John Romualdi, Second Year: *Professor Luneburg because I fear him like the wrath of God.*



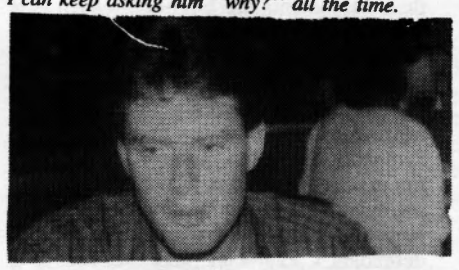
Tony Gilliam, Third Year: *Professor Nordenberg because he's got an answer for everything and he teaches Advanced Civil Procedure which I think calls for somewhat of a genius. And he's an Associate Dean.*

Kristin Evan, Second Year: *Professor White, because it would be hard to question him without him questioning you back.*

Linda Fazio, First Year: *Professor Hellman, because he answers every question with a question.*

Joan Levenson, Third Year: *Professor White because he'd be good at evasive answers.*

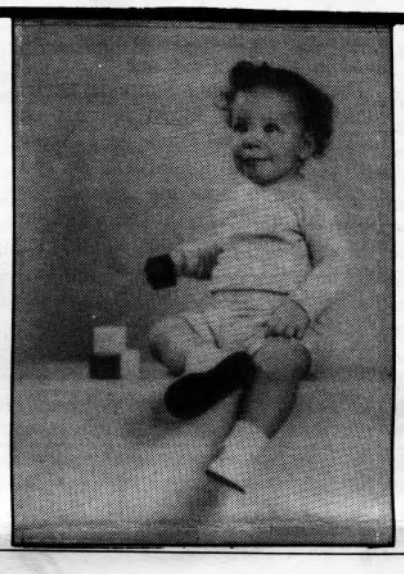
Kenneth Lee, Second Year: *Professor Luneburg to get back at the torture he gave me last year, so I can keep asking him "why?" all the time.*



Tom McDonnell, First Year: *Professor Gormley because he's sneaky, he has a sordid past and his face is too honest and everyone would believe what he says.*

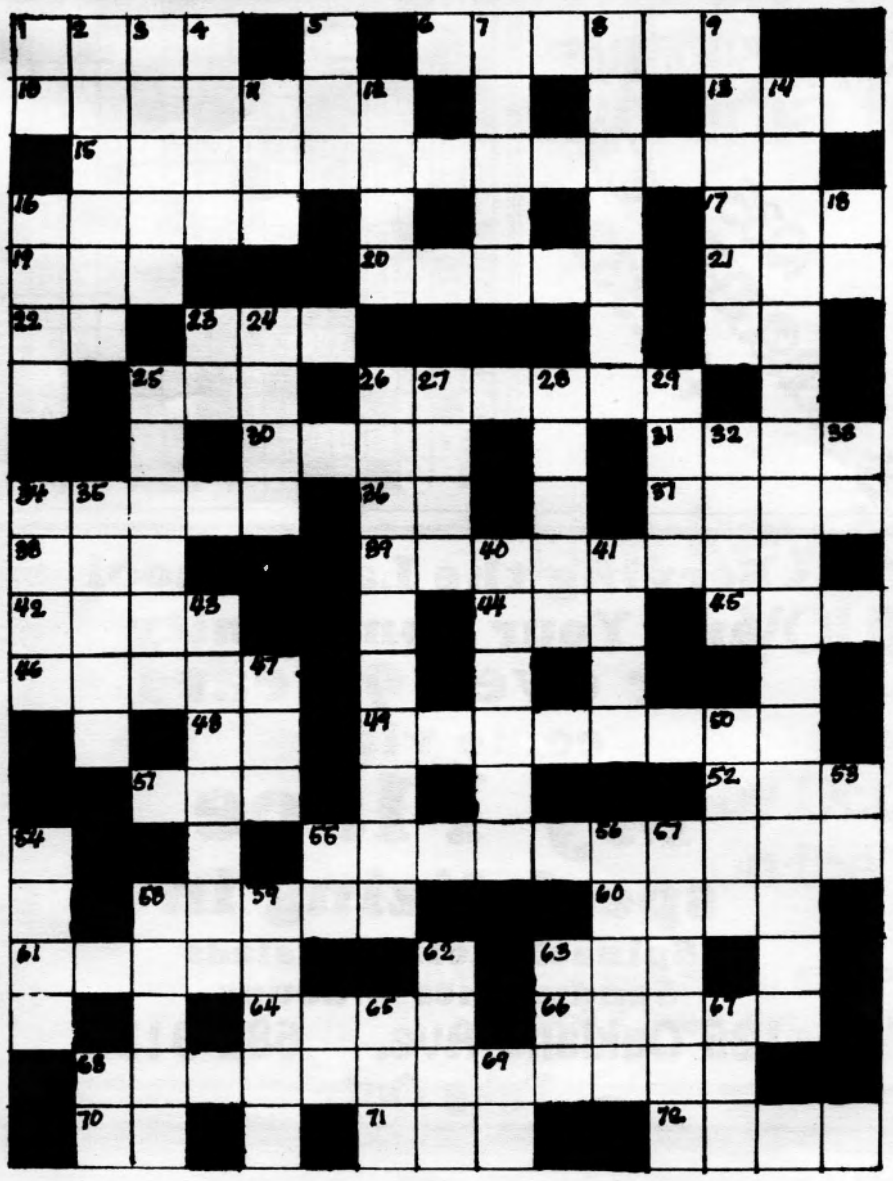
Baby Photo Contest

If you can identify faculty baby photo at the right you will win a $5.00 gift certificate at the Original Hot Dog Shop. To qualify, you must be the first to identify the professor by name to Lorie Beers, Features Editor.



CROSSWORD PUZZLE

by Susan Corney and Paula Aigner



ACROSS

1. Metric weight
6. Skilled individual
10. Freudian complex
13. Fortune 500 company
15. Amorous address to a member of parliament
16. Field of expertise
17. Paddle
19. Mine extract
20. Tine
21. Booze regulator
22. Judgement Nuremberg
23. Prefix for cord or tide
25. Traveler's rest
26. Oyster cache
30. Stylish
31. Wrongs
34. Fanaticism
36. Singing great (int.)
37. Teller of tall tales
38. Legal organization (abr.)
39. Condition of a lonely heart
42. Babe
44. Spainish wave
45. Squeeze
46. Receptacle for ale

DOWN

1. Japanese game of skill
2. Argumentative reply
3. Ardently Admire
4. Wet fog
5. Sable
7. Proportion
8. Not sanctioned by rules
9. City near Rome
11. American
12. Trade
14. Catholic gambling in the sand
16. Suds
18. Barretta star (int.)
23. Health care specialist (int.)
24. Peruvian tribe
25. Inherent
26. Doris Day cinematic triumph
27. Canyon response
28. Insurgent
29. Farm feature
32. Italian currency
33. Eldest (abr.)
34. Red Planet
35. Boarders
40. Tome
41. Narrow strip of wood

Answers on Page 10

White aids Lesko

con't. from pg. 1

Lesko pleaded guilty to second-degree murder before an Indiana County court. The plea was entered as part of a plea bargain, conditioned upon it not being used as evidence in the Westmoreland County trial, after which he was condemned to death. The Westmoreland County District Attorney, John Driscoll, claims he is not bound by agreements of the Indiana County district attorney, according to the appellant brief. However, state procedural statutes and decisions hold that all district attorneys represent the state of Pennsylvania as a whole, and thus, their agreements are binding on each other. The guilty plea was an aggravating circumstance weighed by the jury in sentencing Lesko to death.

The judge at Lesko's sentencing hearing instructed the jury to disregard sympathy for Lesko, and for the victim in passing sentence. Major case law involving the constitutionality of capital punishment has held that aspects of the defendant's character may be considered as mitigating circumstances to be weighed against aggravating circumstances. Lesko was apparently abused, unloved and tortured as a child; according to a character witness, "he lived in hell from day one."

The Pennsylvania Supreme Court consolidated the initial appeals of Lesko and Michael Travaglia, Lesko's partner in the kill-for-thrill spree, and decided not to commute sentence. In doing so, according to the appellate brief, they may have failed to consider the fact that Lesko was an accomplice in the murder of an Apollo Township, Pa., police officer and took no real action in that event. Generally, accomplices to capital crimes are not put to death under Pennsylvania law, except in extreme circumstances.

Law School Activities

by Michael Hicks

Law students who wish to get involved in an organization should have no trouble finding one in which they would be interested at the University of Pittsburgh School of Law. A brief summary of each organization is provided to alert students to groups of interest.

The University of Pittsburgh division of the Associated Trial Lawyers of America (ATLA) invites local litigators to school to educate about the various types of litigation occurring in the area. Among the speakers are attorneys from the offices of the district attorney, public defender and other governmental agencies, as well as attorneys from the corporate world. By sponsoring these speakers throughout the year, the group helps students learn firsthand the experiences and process of the modern day litigator. For membership information about ATLA, contact Josh Berger or Associated Dean Nordenberg.

The Black American Law Student Association (BALSA) is a support group for black law students. BALSA assists its members in scholastic achievement and social enrichment. In addition, BALSA promotes participation in political and legal processes. Those interested in assisting BALSA should contact Gerald Threet or Judy Kennison.

Students involved in the Christian Legal Society learn about Christianity and its relation to the law. Membership encompasses persons of many Christian denominations. This year, the group has planned a two-track program: the first track deals with basic Christian beliefs and development, while the second relates to everyday responsibilies and problems faced by Christian lawyers. Steve Patton and Al Peters can provide students with more information aobut this group.

The Energy and Environmental Law Council provides a forum for discussion and the opportunity to research relevant issues in energy and environmental law. This group has hosted debates between the public interest groups and major corporations, sponsored Ralph Nadar as a guest speaker, and presented films about energy and environmental law. The club has also worked with the Sierra Club and hopes to host a speaker form that group this year. For information concerning this group, contact Kevin Fiore or Mitch Dugan.

The purpose of the Health Law Society are to allow students to meet and work with health law professionals and to provide a regular forum in which to examine medical-legal issues. This year's events include a Lawyer's Day, when students can participate in the daily procedures of attorneys practicing within the health law field. The society will also hold programs on the topics of in-vitro fertilization, artificial insemination and organ donation. Students can join the club by contacting Terry Creagh.

The International Law Society also sponsors speakers throughout the year. In addition, its members attend international law conferences at other universities and discuss the practical aspects of international law as a profession. For more information, contact Gillian Goern or Eric Wittenberg.

The Lawyers Alliance for Nuclear Arms Control seeks to educate others about nuclear issues. A sub-chapter of the national division, the law school chapter presents the issues involved in arms negotiations from a lawyer's perspective. This group encourages open debate on nuclear issues. Contact Fred Longer or Professor Brand for more information.

Phi Alpha Delta is an international organization composed of law students and practicing attorneys. By providing a life-long membership, this organization supports members throughout their careers with a network of other members. Activities include: a Judge's Day on which members observe the daily routine of a judge; a trip to the Supreme Court; and social funtions, such as dinners and parties. Notable members include former President Gerald Ford and Senator Ted Kennedy. For more information, contact Afsoun Azmoun or Ray Scott.

Upon entering law school, all students automatically become members of the Student Bar Association (SBA). The SBA coordinates faculty-student committees and sponsors social functions, academic and athletic programs. The SBA funds all law school organizations. The SBA is led by its executive council, which is comprised of officers elected at large and representatives from each class. The first year class will elect representatives during the third week of October.

One of the most rapidly growing student organizations is the Women's Law Caucus. Originally founded to help the small number of women in law school adjust to the profession, this group has expanded its goals and objectives as the number of women joining the legal community has increased. Although it promotes women's equality, the group also confronts issues concerning the whole student body. However, the primary goal of the organization is to provide a support group for women as they face the largely male-oriented law profession. Meetings are held the first Thursday of every month at moon. Contact Sarah Kerr or Liz Crum.

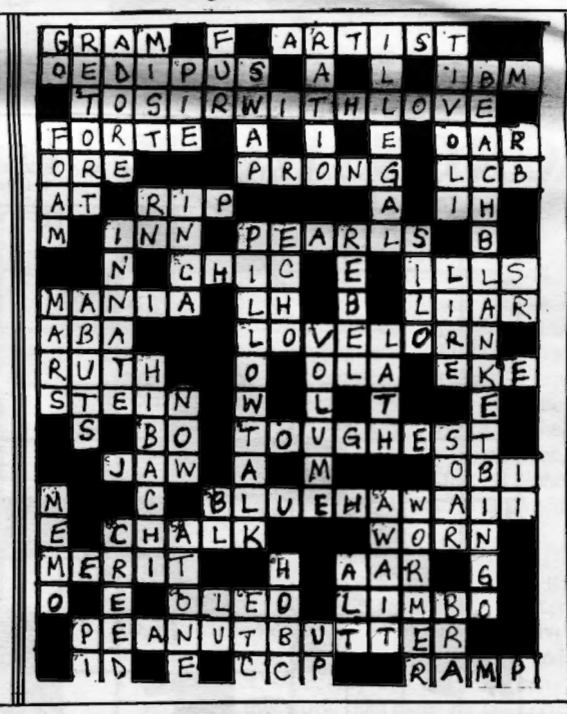
Fowler retires

continued from page 1

That is the greatest accomplishment of my career," Professor Fowler said. He was also awarded a Certificate of Appreciation in recognition of his legal research work.

Professor Fowler regrets retiring because "you stay younger by being with young students. I would have aged faster in practice." Perhaps that is why he has fun expressing different phrases to his students. He said he will probably be remembered most for his phrase (in speed-talk, of course): "This is just a lot of namby, pamby, pussyfooting, weasle-worded, essayistic, rigamarole and legal gobbedegook."

Unforgettable, indeed!



Former President Ford holds press conference

by Monica Deoras, Tyrone McDonnell, Martin Mullaney

Photo By Lisa Derwiler

Former President Ford answers questions at a recent news conference.

Law Chronicle: Could you tell us something about your law school experience?

Ford: Well, I graduated! I went to University of Michigan and then I went to Yale Law School. Because I had a full-time job (I was an assistant football coach at Yale), it took me a year and a half longer to graduate than the normal three years...but that was all right. It was a good experience for me. I was very lucky; I did reasonably well. I had an interesting choice: I had a chance to work in a Philadelphia law firm or a New York law firm; and I guess I felt I wanted to get into politics in my hometown; another law student from the University of Michigan and I opened our own law firm...Boy, we were poor-really poor. The first client we got was a title search for five dollars.

Law Chronicle: Could you give us an anecdote from your law school experience?

Ford: We had one of our faculty members...who was an outstanding scholar in the field of antitrust. President Roosevelt nominated him to be an Assistant U.S. Attorney for antitrust. He was a sort of maverick. He went down to be interrogated for the job before the Senate Committee on Judiciary. As I said, he was a maverick, kind of explosive and controversial, certainly not one the business community would be enthusiastic about. Well, anyhow, he went down and they gave him a very hard time. When he came back to New Haven and our law school class, he sort of blustered in the room and we all stood up and applauded, because he had challenged those senators. After we finished our applause he sat down and said, 'sounds just like the U.S. Senate.'

Law Chronicle: Do you feel that Reagan is politicizing the U.S. Supreme Court?

Ford: Oh, I don't think Reagan is politicizing the Supreme Court. He's only put one member on the court. He put O'Connor on the Court. From what I've read of her decisions, I think she's handled her responsibilities admirably. I see no evidence in that appointment that he has politicized the Supreme Court. There is speculation that he might, but until you get another vacancy, I think it's premature to make any allegation of that.

Question: What do you think the possible race between Senator Specter and Governor Thornburgh for the Pennsylvania Senate seat will do to the prospects of the Republicans in Congress?

Ford: Both Senator Specter and Governor Thornburgh are close personal friends of mine. I've campaigned for both of them over the years, and I would hope that any major conflict between the two of them in the Republican primary might be avoided. They are both very able and very talented individuals. Governor Thornburgh has done a superb job in your state during his terms. He worked for me when I was President as the Deputy Assistant Secretary of the Assistant Attorney General at the Department of Justice in charge of criminal affairs, after he'd been a very successful District Attorney in Pittsburgh. On the other hand, I've known Arlen Specter for a long time, because when I was a member of the Warren Commission, investigating the assassination of President Kennedy, Arlen Specter was one of the seven or eight top lawyers on the staff. So, I think you in Pennsylvania are very fortunate to have two fine public officials in Arlen Specter and Dick Thornburgh. I'd hate to see a head-to-head clash against these two fine individuals.

Question: Do you think President Reagan's stand against apartheid has been tough enough?

Ford: My own views are that...number one, 99.9% of Americans, including myself, are totally opposed to apartheid. I think it's immoral and it's just basically wrong. But the question is how do you help blacks in South Africa gain better education, better housing, better jobs, etc.? I happen to subscribe to what are called the Sullivan principles. The principles are espoused by Rev. Leon Sullivan, the black minister in the city of Philadelphia. Every American corporation that operates in South Africa today, I would say most of them not all of them,espouse the Sullivan principles, which means that in their case, their employees are paid higher wages, are helped with housing, assisted with medication, etc. Now that is a way that you can affirmatively and constructively help blacks in South Africa. Now the question is whether the Sullivan principles are adequate? I personally think total disinvestment is the wrong approach, because if every American corporation were to totally disinvest that would not help one individual black...So somewhere in between the Sullivan principles and total disinvestment I think our country should proceed.

Question: What are your views on the trade issue?

Ford: All the years I was in Congress and in the White House, I was a consistent supporter of what we call reciprocal trade. I supported that legislation on the basis that we have to, in a modern world, have what is called free trade. Unfortunately, over the years, more recently, many countries have abused the trade issue and they've subsidized their exports, they've put barriers up to their own countries so that we couldn't trade in their nations. So, we've developed a very bad situation at the present time; where constructive free trade has been impeded by one means or another. I firmly believe it would be catastrophic to the United States to go back to the old days where we had high tariff barriers on many, many, many products. On the other hand, we have to insist that if we have free trade, that we have fair trade. Fair trade means that other countries open their nations to our products and that they don't subsidize their products coming into the United States. Now, the President's recent announcement is aimed at forcing countries like Japan to open their nation to our products. And at the same time, the President's program is aimed at making certain that subsidized products from other countries don't come into the United States. Basically, what the President recommended, I favor. It's only on paper so far. We'll have to wait for the implementation, but if will be a step in the right direction.

LSDC represents Undergraduates

by Susan Corney

Among the many activities available to University of Pittsburgh law students, one of the least publicized programs is the Law Student Defense Council. Organized to provide basic legal counsel to undergraduates, the LSDC has in past years been overlooked by the majority of the law school population.

The LSDC provides representation for Pitt undergraduates called before the University Judicial Board, defending students who would otherwise represent themselves. Although plagued in the past by a number of problems, the LSDC members hope their work this year will firmly establish the organization within the University system.

Al Burke, a University of Pittsburgh undergraduate alumnus and a current third year law school student, has actively participated in the LSDC since college. Burke stresses the program does serve a vital function; without it, many students would enter the hearings unequipped to effectively handle their defense.

The student defender acts as the accused's representative, selecting avenues of defense and cross-examination. According to Burke, whether the student defender provides legal advice or actually represents the accused, "the better off that student will be in his/her defense."

Brenda Pardini, coordinator of the University Student Judicial System, agreed that the LSDC serves an important function within the disciplinary proceedings. She said, "The presence of the student defender makes for a more balanced hearing. It allows the accused students a better opportunity to marshal their thoughts." Pardini added, "The service also provides a wonderful educational experience for law students."

Although agreeing with the underlying purposes of student defense, Pardini cautioned that the University judicial proceedings are different from traditional adversarial hearings. She warned that technicalities will not release a student from liability. "The University is most concerned with the truth; the omission of a technical procedure will not induce the school to discontinue its investigation," Pardini said. Hearsay evidence is admissible and other evidentiary rules are relaxed. Moreover, Pardini stated, "degrees of guilt or innocence play no role in the Board's verdicts. A party is either guilty or not guilty. The degree of guilt becomes important only in the sanction proceedings."

In expanding its role this year, the LSDC plans to assist in landlord-tenant disputes. Because of the on-campus housing shortage at the University, many students rent apartments in Oakland. The LSDC plans to advise students with any problems that arise under their leases. The University of Pittsburgh in-house counsel will be available to offer professional advice to the LSDC for these situations.

At present, the LSDC has no permanent office or phone. Funding for these acquisitions is now being considered by the University. Prospective clients or those interested in becoming involved with the LSDC are encouraged to contact Al Burke or the 2nd Floor office at the law school.