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Thirtieth Year of Publication

VIRGINIA LAW WEEKLY

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Study Reveals Lack Of Bias In Job Interviewing Process

by Virginia Dunmire

A report of recent statistical studies done by the Placement Office concludes that there is "an increased acceptance of women in the legal profession, and increased readiness on the part of employers to give equally serious consideration to women applicants."

The report, entitled "Women in the Hiring Process at the University of Virginia School of Law—Fall, 1977," was written by Albert R. Turnbull, Associate Dean and Director of Placement. Based on statistical information gathered by second-year student Barbara Newcomb on a work-study grant last summer, the study developed with the active cooperation of Law Women, who had a mutual interest with the Placement Office in analyzing the vast amount of data available on the hiring process. Turnbull described the report as "a document which should allay many anxieties about what is going on in the interview process."

Visiting employers select those students they wish to interview from resumes and transcripts sent to them in advance of their visit to the Law School. Placement Office records were analyzed to determine whether selection ratios differed between male and female students on a national regional basis. The report concludes that the statistical studies of the 359 members of the 1977 third-year class "fail to indicate any systematic discrimination in the interview selection process."

For the third-year class, the Placement Office sent out 10,908 sets of credentials and arranged 3,354 interviews for a national selection rate of 32%. Breaking down the total by sex, 553 interviews with women were arranged from 1,691 sets of credentials and 2,981 interviews with men were arranged from 9,217 sets of credentials, producing an identical selection rate of 32 per cent for both groups. Similar studies were done for New York City, Washington, D.C., Atlanta, Los Angeles, San Francisco, Philadelphia, Chicago and for regions excluding those cities.

In only one city, Atlanta, was the selection rate higher for men than women (33% vs. 26%), while in the remaining six cities the selection rate for women was higher than, or equal to, that of men. In Los Angeles, for example, the selection rate for women was 43%, and for men 25%. Turnbull cautioned that these percentages are for only one year and in some instances, are derived from a very small number of interviews and firms. "There would be concern," he said, "for a consistent pattern of behavior favoring one sex over a number of years."

The report also updates a study of the professional activity of women graduates done by Law Women in 1975. The statistics show a significant increase in the number of women joining law firms and securing judicial clerkships. "All in all, it would appear that the placement patterns for female students approximate increasingly the patterns of employment for male students," Turnbull concluded in the report.

The 1975 study reported complete work information for 110 of the 151 women known to have received law degrees from 1923 to 1974. Of the 110, 99 (90%) were then working either full- or part-time in a career directly related to law. In contrast, the current enrollment of women in the Law School is 267.

The current report will be sent to all visiting and nonvisiting employers, and is available to students

(Please See Page 4, Col. 6)

VGLSA Regroups; Schedules Events For Coming Year

by Virginia Dunmire

The Virginia Graduate Law Students Association elected officers this fall an began a program of events after several years of inactivity. Officers of the Association are John Fiocco, president; Mario Giannini, treasurer; and Percy Park, secretary.

Fiocco, an Australian who is working toward the S.J.D. degree, saw the need for an organization of graduate law students last year. At that time, he discovered the old constitution of the VGLSA, founded in 1967. Fiocco was active in the orientation of the 20 law graduate students this fall and called an organizational meeting.

"The Association provides a forum for students to come together to discuss their own interests and the way in which the graduate program is operating," Fiocco said. As president, he is the link between VGLSA and the faculty Graduate Committee, and meets regularly with Professor John Norton Moore,

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Krout Photo

Women's Rights handbook authors (l. to r.): Pitts, Thompson, Smock, and Blyn.

Medicaid, Abortion Highlight Handbook On Women's Rights

By David Mullins

A six-member committee of the Virginia Law Women has researched and written a handbook dealing with women's rights in Virginia. The booklet, entitled *Your Legal Rights as a Woman: A Handbook for Virginians,* was financed and sponsored by the Virginia Commission on the Status of Women.

The handbook sets out the state and federal law in several areas of particular interest to women. Written in a style directed at non-lawyers, it treats such topics as domestic relations, property, taxation, employment, welfare and abortion.

Joan Kuriansky, a 1977 graduate of the Law School, and third-year student Susan Buckingham Keilly edited the publication. Second-year students Jackie Blyn, Diane Smock and Tracy Thompson, along with third-year student Diane Pitts, did the research and writing.

Krout Photo

The handbook, which had been researched last year, was printed this summer. Present plans call for the booklet to be updated annually. Similar handbooks have been written for other states, but no such work has been available for Virginia until now.

Two thousand copies of the 77-page handbook have been printed at a total cost of approximately $3,000. They will be distributed to women's organizations, state agencies, public libraries, and the like. One copy has been placed on reserve in the Law Library.

According to Tracy Thompson, there are barely enough booklets to go around, and the Law Women hope to learn how they are distributed, to make the booklets most accessible to the general public.

So far only twenty handbooks have been allocated to the Law Women writing committee, and it will be at least late November before more are available. When they do become available, the Law Women hope to obtain some for sale in the law school bookstore.

Virginia Code Issues

Thompson reports that the writing committee was given almost complete editorial control over the handbook's content. The only portion changed was an editor's note supporting ratification of the Equal Rights Amendment (ERA). Pointing out that the handbook had to be politically neutral, the Commission insisted that the note be deleted.

(Please See Page 3, Col. 4)

Students Serve Honor Trials, Raise Sophisticated Defenses

By Ann Todd

Law students play a crucial role in the functioning of the University of Virginia's Honor System. They serve as counsel to both accuser and accused in the twelve to twenty-four honor trials that occur in each calendar year.

Bruce Williamson, vice president of the Law School, is responsible for assigning counsel and maintains a list of approximately twenty who are qualified to serve. "However," as he puts it, "we never have too many people and can always use more."

Before a student is qualified to serve as counsel, he should have observed at least one honor trial in its entirety. He is then qualified to serve as co-counsel, aiding in trial preparation and assisting lead counsel at trial. Williamson determines when someone will be lead counsel. A novice cannot handle defense alone, but lack of experience is less crucial for counsel.

Trial Procedure

The responsibilities of counsel are similar to those in a civil trial: interviewing accused, accusor, and relevant witnesses for both sides, and helping his "client" develop the best presentation of his case.

In pre-trial conference, counsel for both sides go over what will happen at trial. The trial itself may take from eight to twenty hours. Occasionally a trial extends for more than one day. At midnight the accused is given the option of going on or adjourning for the night.

The unfolding of the trial parallels civil trials. Each side presents an opening statement, after which accusor and accused present their respective cases. The accused is allowed to present up to three character witnesses. Each side is allowed limited cross-examination. "Rights of cross-examination to impeach are not as broad as at a regular trial," Williamson explains. "Witnesses are not there to be impugned."

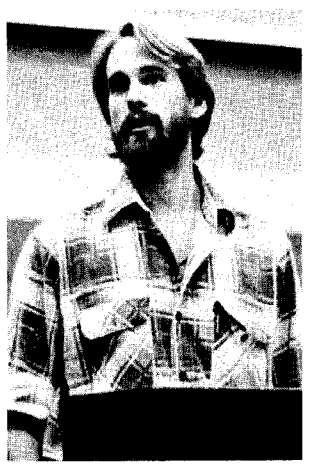
Following the presentation of the cases and after the accused has agreed that he has had a full and fair trial, a vote is taken of the members of the Honor Committee serving as judges. Only one vote is taken, and four fifths is required to convict. If the four-fifths is reached, the student is expelled; if not, he is acquitted.

Trial Process Analyzed

Williamson feels that the honor trial process is good for law students since it gives courtroom-type experience, but in a less adversarial posture than in a civil action. However, Bob Edmunds, who has been involved as counsel in three honor trials, believes that law students are changing the nature of honor trial procedure, much to the dismay of non-Law School members of the Honor Committee. "Law students inject a contentiousness into the process," Edmunds notes, "and are beginning to import fairly sophisticated procedure and defenses to the honor trials."

Edmunds himself introduced a psychological defense to negative intent in his defense of a student recently acquitted on a charge of removing flowers from a grave.

(Please See Page 2, Col. 5)



Williamson Photo

Moot Court Board Chairman Bob Edmunds addresses first round competitors at last Thursday's emergency meeting.

Thefts Plague Lile Moot Court First Rounders

By Bruce Williamson

More than one hundred fifty pages of source material essential to a first-round Lile Moot Court Competition problem have been stolen from the library, according to Board Chairman Bob Edmunds. Edmunds announced the theft to a meeting of first-round participants hastily convened on Thursday, October 20.

The missing pages were carefully cut from five separate volumes, Edmunds said. The members of the Board believe that the material may have been taken by one or more petitioners in the competition

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The Criminal Justice System

DICTA: Dispelling Old Myths By A New Computer

by William A. Hamilton

Public dissatisfaction with our urban court system is high. Many people appear to associate the tremendous growth in street crime during the past 15 years with excessive leniency in the courts. The public has a picture of prosecutors "giving away the store" through excessive plea bargaining, and of judges being extremely lenient with convicted persons when they sentence them. There is also a widespread belief that U.S. Supreme Court rulings have hamstrung the police and allowed many criminals to go free on technicalities.

What is remarkable about these public perceptions is that it has been nearly impossible to test their accuracy because of inadequate recordkeeping in district attorney's offices and the courts.

During the 1920s and early 1930s, public concern with the enforcement of the criminal laws reached a similarly high pitch. In a number of jurisdictions, distinguished scholars and civic leaders joined forces to investigate whether the machinery of criminal justice was working. Special investigative commissions in Cleveland, Missouri, Illinois and New York even then, 50 years earlier, found grounds for considering the justice machinery excessively lenient.

These studies, however, found that the real problem of leniency was that persons arrested for serious crimes, typically, never had their proverbial day in court. The most common disposition for arrests for serious crimes was outright dismissal by the district attorney or the court.

Felix Frankfurter and Roscoe Pound, who directed and edited the first of these studies, concluded in their analysis of Cleveland's criminal justice system that even the professional criminal, repeatedly before the court for robbery, burglary or larceny, could expect to escape punishment at least half the time. They considered criminal justice operations in the 1920s as "nothing short of an inducement to professional crime."

William A. Hamilton is President of the Institute for Law and Social Research. A graduate of Notre Dame Universiy, he supervised the design and implementation of PROMIS.

Wickersham Commission Urges Better Recordkeeping

The astronishing findings of Frankfurter and Pound, confirmed in the special studies in the other states, led to the first national commission on crime in 1930. That commission, known as the Wickersham Commission, urged that recordkeeping and statistical systems be developed across the country that would routinely produce a picture of how the criminal justice system was operating.

In the half century that has elapsed, we have done very little to heed the lessons of the 1920s. The Uniform Crime Reports (UCR), compiled by the Federal Bureau of Investigation from local and state police departments, have been the one major exception. These UCR statistics, which keep count of the number of crimes reported by the police and the number solved by arrests, have been the backbone of the country's criminal statistical system. But because they are based on local police files, the UCR statistics have not kept the country informed about what happens *after* arrest. Thus, we have had no way of knowing whether the dismissals of the 1920's were a temporary aberration or whether they have continued to be the norm for the disposition of arrests for serious crimes.

In recent months, through a program funded by the United States Law Enforcement Asssitance Administration, we have begun to see once again what happens to arrests for serious crimes in our urban court systems. The picture that is emerging bears a remarkable resemblance to that developed a half century ago.

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Honor Among Lawyers

The Moot Court Board's announcement of the theft of library materials, apparently by a Moot Court competitor, is shocking. Moot Court Board Chairman Bob Edmunds announced the incident in a tense meeting to first-round competitors, who listened to the news in stunned silence.

As Edmunds said, there is no place in this law school for such behavior. Further, there is no place at this law school or in this profession for someone who engages in such conduct.

The University's Honor System is subject to much debate, particularly at the Law School, where to many the stigmatizing effects of an Honor dismissal are greater than at the college level. Some law students and faculty opine that the system of student/faculty trust has broken down here because of the reluctance of law students to impose the expulsion penalty on their peers.

Our reluctance to enforce the Honor Code may be consistent with our positions as fledging lawyers, being prepared for the nebulous world of legal self-discipline. But if anything is deserving of the single sanction, if anything merits professional peer reprobation, this is it.

The theft of materials from our library is an act that typifies the sort of person who richly deserves ostracism from the study and practice of law. The universal use of library resources both symbolizes and presages a vitally important aspect of the profession: cooperation among professional peers. While our legal process is adversary, scholastic competition in legal education should be neither cutthroat nor dishonest. We as lawyers should strive to work with the research tools available to all, and compete fairly in the manner in which we use them.

Now, however, a student has apparently seen fit to pilfer scarce materials which were vital to the understanding and analysis of a Moot Court problem, materials needed by dozens of others. But if the motivation for such an act is unclear, the remedy is not.

The Moot Court Board is currently investigating the theft. The Board plans to dismiss the offending party from the competition if he or she is, in fact, a Moot Court competitor. We urge the Board to turn over any available information to individual students for a full-fledged Honor investigation. We urge anyone with knowledge of this incident to come forward to the Board or to begin an Honor investigation. This Law School has no place for anyone who allows personal ambition to overshadow one's professional responsibiliites to his peers.

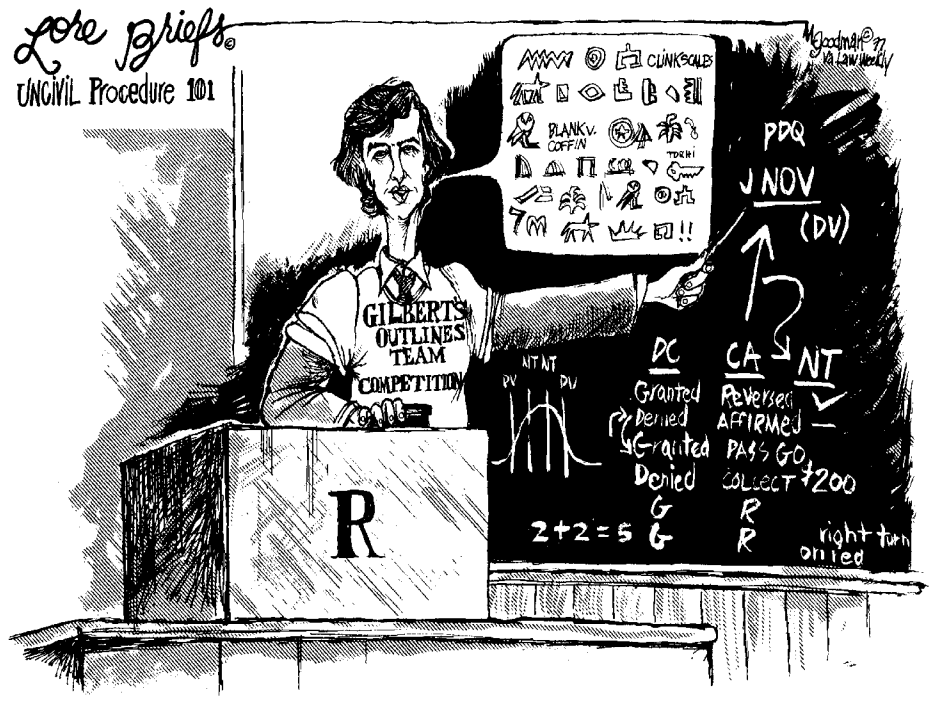
Editorial Policy

The VIRGINIA LAW WEEKLY is published as a service to the Law School community and alumni, and it is not an official University publication. Views expressed in the editorial column do not necessarily denote the policy of the Law School. Unsigned editorials represent the official position of the newspaper, while those appearing with initials have been prepared by staff members as an expression of their own opinions.

The LAW WEEKLY welcomes reader contributions in the form of Letters to the Editor. While virtually all such letters are printed, the LAW WEEKLY reserves the right to edit them. All Letters to the Editor must appear over the signature of an individual.

The *Perspective* column provides a forum for readers to present their viewpoint on themes of interest to the Law School community. *Perspective* articles must be signed, and the LAW WEEKLY reserves the right to edit such contributions.

Law School faculty members and student organizations are encouraged to notify the LAW WEEKLY of news stories and organizational activities.



Visiting Firms

Law Firms, Government Agencies, Corporations, etc., visiting the Law School from October 31 through November 5.

Monday, October 31

San Diego, CA
Higgs, Fletcher
Wilmington, DE
Morris, Nichols, Arsht & Tunnell
Orlando, FL
Maguire, Voorhis & Wells
Kansas City, MO
Shook, Hardy & Bacon
Boston, MA
Herrick & Smith
Ropes & Gray
St. Louis, MO.
Lewis, Rice, Tucher, Allen & Chubb
New York, NY
Federal Reserve Bank
Hale, Russell, Gray, Seaman, & Birkett
Kale, Schoeler, Hayes & Handler
Thacher, Profitt & Wood
Rochester, NY
Harter, Secrest & Emery
Pittsburgh, PA
Reed, Smith, Shaw & McClay
Richmond, VA
Coopers & Lybrand
Charleston, W.VA
Spilman, Thomas, Battle & Hostenmeyer

Tuesday, November 1

San Diego, CA
Higgs, Fletcher
District of Columbia
General Services Administration
Office of the Solicitor—Department of the Interior
Mudge, Rose, Guthrie & Alexander
Wilmer, Cutler & Pickering
Atlanta, GA
Dodd, Driver, Connell & Hughes
Boston, MA
Ropes & Gray
New York, NY
Patterson, Belknap, Webb & Tyler
Rogers & Wells
Seward & Kissel
Wender, Murase & White
Dallas, TX
Strasburger & Price
Richmond, VA
Williams, Mullen & Christian
Charleston, WV
Spilman, Thomas, Battle & Klostermeyer

Wednesday, November 2

Birmingham, AL
Bradley, Arant, Rose & White
San Francisco, CA
Dinkelspiel, Pelavin, Steefel & Levitt
District of Columbia
Collier Shannon Rill Edwards & Scott
Dow Lohnes & Toohey
General Services Administration
Hill, Christopher and Phillips
Office of the Public Defender
Dayton, OH
Smtih & Schnacke
Philadelphia, PA
Montgomery, McCracken, Walker & Rhoads
Saul, Ewing, Remick & Saul
Charleston, SC
Young Clements & Rivers
Greenville, SC
Wyche Burgess Freman & Parham
Lynchburg, VA
General Electric Co.
Richmond, VA
Browder, Russell Little & Morris

Thursday, November 3

Hartford, CT
Day, Berry & Howard
District of Columbia
Haight, Gardner
Hill, Christopher and Phillips
Melrod, Redman & Garhan
Ralph Nader's Group
Chicago, IL
Kirkland & Ellis
Newark, NJ
Stryker, Tams & Dill
New York, NY
Haight, Gardner
Special State Prosecutor for Nursing Homes, Health, and Social Services
Charleston, SC
Young, Clement & Rivers
Nashville, TN
Waller, Lansden, Dortch & Davis
Dallas, TX
Jenkins & Gilchrist
Thompson, Knight, Simmons & Bullion
Richmond, VA
Browder, Russell, Little & Morris
Hirschler, Fleischer, Weinberg, Cox & Allen

Friday, November 4

Birmingham, AL
Rives, Peterson, Pettus, Conway, Elliott & Small
Denver, CO
Holme Roberts & Owen
Hartford, CT
Conn. General Life Insurance Co.
District of Columbia
Federal Deposit Insurance Corp.
Haight Gardner
Mayer Brown & Platt
Melrod Redman & Garham
Verner Liipfert Bernhard & McPherson
Chicago, IL
Mayer Brown & Platt
Louisville, KY
Brown Todd & Heybourn
New Orleans, LA
Stone Pigman Walther Wittmann & Hutchinson
New York, NY
Haight Gardner
Rathheim Hoffman
Cleveland, OH
Weston Hurp Fallon Paisle & Howley
Philadelphia, PA
Stradley Ronon Stevens & Young
Fairfax, VA
Boothe Prichard & Dudley
Huntington, WV
Huddleston, Bolen, Beatty, Porter & Copen

Saturday, November 5

Alexandria, VA
Boothe, Prichard & Dudley

Honor...

(Continued from Page 1)

Edmunds says he does not know whether the Honor Committee was impressed by the argument or not, for the general verdict of not guilty does not indicate whether the Committee found lack of requisite intent or lack of sufficient reprehensibility.

Sanction Changes Suggested

Edmunds feels that the use of sophisticated measures like the psychological defense is necessitated by the single sanction. As an analogy, he observes that where the death penalty is invoked for burglary, "One might not normally plead insanity for burglary but would if a guilty verdict meant death."

Williamson also expresses some concern about the single sanction. Although he feels very positively about the Honor System, he feels serious consideration should be given to altering the single sanction, as there is considerable reluctance to invoke it. Williamson believes that two sanctions – mandatory suspension and then dismissal – would be better. "That would serve the deterrent purposes of the system and also an educational purpose," Williamson contends. "After all, every dog has one bite, and it goes along with the basic humanitarian principles of the idea that no one should be banished from the community for one mistake."

As for the experience of serving as counsel, Edmunds said, "It's like Moot Court except the stakes are much higher." He confessed to a case of "butterflies" before the trials actually started. "It's frightening, but you don't go to trial until you are ready. Also, like in Moot Court, the nervousness lasts only a few moments, since after that you're too busy paying attention to what's going on to be nervous."

Edmunds said that afterwards he was "just wasted, totally exhausted. Fortunately I've had nothing but winners, so I haven't had to deal with what it would be like to lose and realize that meant expulsion for the student." Edmunds believes that the law students think about the cases much longer than acquitted students. "The student is just glad to have it over. We rehash the case to try to figure out what we did right and what we did wrong for next time."

BRIEFS

Law Day

The Law Day Committee has announced that this year's Law Day Weekend will be held April 28-29, 1978. The Committee and the entire Law School community look forward to welcoming back all alumni of the Law School on that weekend.

T & E and U.C.C.

Second- and third-year students who actually would take Trusts and Estates or Commercial Transactions this spring if an additional section were offered should sign the memo at Mrs. Haigh's office.

D. C. Bar

Third year students who are interested in taking the BRI Course in preparation for the February administration of the District of Columbia Bar Exam should see Bruce Williamson or Peter Morgan at once. It is necessary to gather a group of five to ten students in order to have the tapes for the D.C. part of the exam sent to the law school.

Women's Bar

The third annual conference of the Virginia Women's Bar Association will be held October 29 and 30 at the Hyatt House in Arlington, Va. The conference program will include sessions designed to interest women lawyers.

The Association was formed in November 1976 to promote women in the law and to publicize the contributions of women lawyers.

Anyone interested in attending the conference or joining the organization may contact Tracy Thompson or Jenny Roddy. The Virginia Law Women have posted additional information about the activity on their first-floor bulletin board.

Power Off

The electricity will be turned off in No Name Hall on the Friday after Thanksgiving, and perhaps for part of the following Saturday, for the installation of equipment in Phase II. The building will be closed as usual on Thanksgiving Day.

Note to Subscribers

The *Law Weekly* Circulation Staff apologizes to those of our subscribers who receive the *Weekly* by mail. Because of a delay in making a major change in our subscription list, necessitated by the fact that the paper is no longer delivered free of charge with membership in the Law School Alumni Association, this issue will be accompanied by the preceding six issues. The subscription list is now updated, and all subscribers will receive new issues on a weekly basis.

Williamson Photo

DICTA...

Cite as "HAMILTON" VIRGINIA LAW WEEKLY, *DICTA*
Vol. 30, No. 7 (1977)
(Continued from Page 1)

Most Felony Cases Dropped

At a meeting in Los Angeles in April, 1977, criminal justice officials from nine communities made public data on the handling of felony arrests within their respective court systems. A front page headline in the *Los Angeles Times* on April 25, 1977, succintly stated what those communities were finding: "MOST FELONY CASES DROPPED."

The nine jurisdictions that reported at the conference were Detroit, the District of Columbia, Indianapolis, Los Angeles, Marietta (Ga.), Milwaukee, New Orleans, the State of Rhode Island, and Salt Lake City. The district attorneys of these eight cities and the deputy state court administrator were very courageous in presenting data about their own operations, because most people are not aware of what Frankfurter and Pound and others found in the 1920s, and because their own citizens were likely to be shocked by the newspaper headlines.

Before discussing in detail what the statistics indicate is happening in criminal justice administration in the 1970s, it is important to note how it is that these communities are suddenly beginning to find out and report what happens after arrest.

The PROMIS Computer

The vehicle for this knowledge is a computer-based management information system known as PROMIS (Prosecutor's Management Information System). The nine jurisdictions mentioned above were the first nine to adopt this public-domain system, developed by the Institute for Law and Social Research (INSLAW) in Washington, D.C., with funding from the Law Enforcement Assistance Administration. About 70 other communities are currently installing PROMIS.

The essential principle of PROMIS is the development of needed statistical data as a natural by-product of using a computer to support the day-to-day functioning of the prosecution and court systems. By using PROMIS to perform vital information-support functions on individual cases, a jurisdiction is able to "save" the data so that it can be aggregated into an overall picture of the operation of the criminal courts. Examples of the typical caselevel support functions of PROMIS are retrieving the status of cases by the name of witness, defendant, attorney or police officer, preparing calendars, case lists, and subpoenas; alerting prosecutors and judges to the not uncommon situation of a defendant having several different cases pending in the same courthouse at the same time; and furnishing the police department with the information needed to update arrest records with the final dispositions.

There are numerous other examples of how prosecutors and courts use and become dependent upon PROMIS in their daily operations, both for case-by-case decision making and for management review of policies on charging, dismissals, bail, continuances, sentencing and so foth. Without elaborating any further on those uses, it should suffice to say that PROMIS records, as a by-product of those activities, a full record of what the prosecutors and courts do with arrests. Included in this computerized record are the reasons for dismissals.

Reasons for Dismissals

Returning now to what the PROMIS data are revealing, we find that not only are half or more of all felony cases dropped but that the reasons for the dismissals are quite similar from city to city.

One major reason for case dismissals is that the police officers who make the arrests do not routinely collect the amount of evidence required to proceed to court. The prosecutors must adhere to a higher standard of evidence (beyond a reasonable doubt) in taking a case to court than the police officer in making an arrest (*probable* cause to believe that a crime was committed and that the person arrested committed it). Frequently, the police fail to collect the additional evidence needed to make the arrest suitable for proscution. The other major reason for the dropping of cases is that the citizens who are the victims of and witnesses to the crimes fail to appear in court or to persist in prosecution.

Researchers at INSLAW recently completed a study on the evidence collection problem, using PROMIS data from the Washington, D.C., prosecutor's office, which pioneered in the development of PROMIS. What we have found from this analysis is that 15 percent of the arresting officers accounted for over half of all the arrests that resulted in conviction—either through guilty pleas, plea bargains, or guilty verdicts.

What distinguishes the minority of "supercops" from the majority of arresting officers is that they have more experience on the force, they get to the crime scene faster so that they can recover tangible evidence, and they are adept at finding and gaining the continued cooperation of witnesses.

The recovery of tangible evidence, such as a weapon or the proceeds of the crime, proved to be especially important. Officers, for example, were found to recover tangible evidence in only half the robbery cases, but when they did recover it, the probability of conviction rose about 60 percent. One fugitive squad officer, identified in the study as a "supercop," disclosed to an interviewer that he had recognized the importance of tangible evidence by reading, on his own initiative, the appellate decisions dealing with his type of case. As a result, he had improvised a technique whereby, immediately after reading the suspect his *Miranda* rights, he would nonchalantly ask the suspect if he happened to have his court papers with him. When the suspect pulled the papers out of his pocket, the officer would seize them as evidence that the suspect had received effective notification of his appointment in court.

It appears that in many instances the "Peter Principle" is at work in our police departments. As soon as an officer acquires the skills necessary to make effective arrests, he or she is promoted out of a position to make arrests.

It would appear to be a sensible idea for police agencies to change their promotion and reward systems to take into account the quality of the arrests made by their officers and to permit advancement within the ranks of arresting officers of those officers who consistently bring in good arrests.

Witness and Special Offender Problems

We have also examined the other major reason for case attrition in our court system—witness cooperation problems. After culling the names and addresses of a scientific sample of witnesses from Washington, D.C., PROMIS files, researchers at INSLAW conducted household interviews with almost 1,000 witnesses. The purpose of these interviews was to determine how those witnesses whose cases were terminated before trial because of what prosecutors or judges perceived to be lack of cooperation, differed from witnesses in cases that did not have to be dropped for witness cooperation reasons.

(Please See Page 4, Col. 1)

Fogland Photo

JAG School Teaches Lawyers Basic, Advanced Military Law

By Virginia Dunmire

Many law students know little about the neighboring JAG School beyond the walls of its interview rooms used by visiting employers. Most would be surprised to learn that nearly every military lawyer in the country has been through the Judge Advocate General's School.

The School teaches a Basic Course to attorneys newly commissioned as judge advocates, and an Advanced Course to career military officers and some government lawyers. In addition, the School offers numerous continuing legal education courses and seminars, and an extensive correspondence course program.

Basic Course

The Basic Course, offered three or four times a year, is a twelve-week introduction to the practice of law in the military for attorneys who join the Army and are commissioned as judge advocates.

The current class of fifteen women and sixty-six men spent three weeks this fall at Fort Lee, Virginia, receiving infantry training as well as instruction in leadership and military customs. The remainder of the course taught at the JAG School emphasizes the military court-martial system, civil and administrative law, government procurement and international law.

Graduates of the Basic Course will be assigned to duty in Alaska, Europe, Hawaii, Korea, Panama and various parts of the United States, according to Lieutenant Colonel Fred K. Green, Deputy Director of the Academic Department. They may initially be prosecutors in court-martial cases, attorneys in a base legal assistance or claims office, legal advisers to a base commander, or instructors. The International Law Division of the School has recently developed a program in which a military attorney and experienced combat officer are trained as an instructor team. At their base installation, the team conducts training programs in the requirements of the Hague and Geneva Conventions with respect to such situations as treatment of prisoners and civilian populations in time of war.

Advanced Course

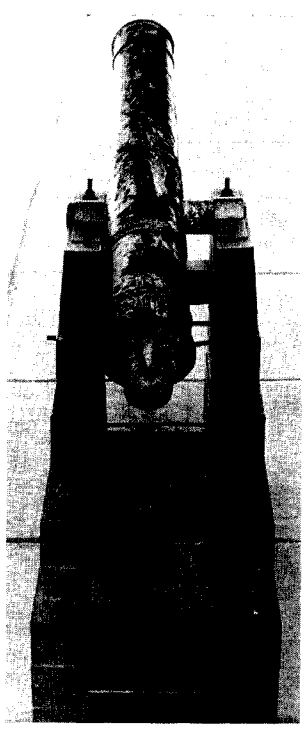
The Advanced Course, a nine-month course comparable to a graduate law degree program, consists of fifty or sixty students selected from the Army, Navy, and Marine Corps. All have between four to eight years' experience as attorneys. Students may take three hours per semester at the Law School.

Although the Basic Course is only for Army judge advocates, the JAG School provides Continuing Legal Education Courses, ranging from two days to two weeks in length, for all the services. These courses may also be attended by civilian government attorneys from such departments as the Small Business Administration and the Department of Justice. Courses include fiscal law, federal labor relations, civil rights, environmental law and government information practices, which provides instruction in the Freedom of Information and Privacy Acts.

The faculty at the JAG School is composed of twenty-six military attorneys. The School employs Professor John A. Sanderson of the University's Department of Education as an educational consultant to advise the faculty in areas of testing, evaluation, and teaching techniques.

The library, which specializes in federal and military legal materials, contains the transcripts of the Benedict Arnold trial and proceedings arising from the My Lai massacre. The school also publishes the *Military Law Review*, *The Army Lawyer* and the *Judge Advocate Legal Services*.

The Judge Advocate General's Corps has provided legal service to the Army since 1775. A permanent school for Army lawyers was not established until 1951 when Charlottesville was selected as the site. Facilities of the present building, completed in 1975, include classrooms, courtrooms, an auditorium, library, post exchange, eighty motel-type rooms for individuals in the basic and continuing education courses, a VIP suite, and dining room and club on the top floor overlooking Charlottesville and the Blue Ridge.



Fogland Photo

Handbook...

(Continued from Page 1)

A section of the booklet speculating on the impact of the ERA, and listing a pro-ERA group as a source of further information, was not deleted, but the Commission ordered that the address of an anti-ERA group be included for balance.

The law students who wrote the handbook expressed a variety of reactions at what they found in the Virginia law.

"I was surprised to find that the Virginia Constitution already contains an Equal Rights Amendment," commented Thompson. "If the national ERA is ratified, it really won't have a big effect on Virginia."

Jackie Blyn expressed surprise at the number of arguably unconstitutional, but as yet unchallenged, statutes in the Virginia Code. "A lot of questionable laws—like the one requiring spousal permission for sterilization — just haven't been

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Henry Returns To University Hits Dalton, Vepco Surcharge

By Michael J. Davis

Democratic gubernatorial nominee Henry E. Howell, Jr. spent last Thursday at the University, working and promoting his campaign for the election which is now less than two weeks away.

In the Law School Library Thursday afternoon, Howell prepared comments to be made before the State Corporation Commission the next day in a hearing on the fuel adjustment surcharge. Later, between cocktail parties and receptions in his honor on the Main Grounds, Howell spoke that evening before a packed audience at the Chemistry Building. His appearance had originally been planed as a debate with his Republican opponent John Dalton to be sponsored by Common Cause of Virginia and the Student Legal Forum, but Dalton had withdrawn from all public appearances with Howell earlier in the campaign.

Dalton Critized

Howell insisted that Dalton had refused to debate with him because Dalton was afraid, saying, "He can't give answers that will be sufficient to the great masses of the people." Citing his work to amend the state constitution to require that consumers be represented before the SCC, Howell noted that Dalton had opposed that amendment. He contended that Dalton "wants to deregulate natural gas. This would raise the cost of heating homes . . . in its entirety, ten billion dollars a year. He wants to deregulate it. I don't."

Howell also charged that Dalton has never appeared before the SCC in a rate hearing. He added that Dalton would not debate because he could not support his positions and because he had been cautioned not to appear by former Republican state chairman Richard Obenshain and others in his campaign. "A debate would have been tough," Howell commented.

On the regulation of marijuana use, Howell stated that he does not believe a person using it "should go to jail for it." He advocated that schools be set up for the first offender, similar to those now in operation for persons convicted of driving under the influence of alcoholic beverage. Second-time offenders should be required to perform some type of public service job. Howell advocated that third-time offenders should serve a moderately long term in jail rather than prison.

Public Service Recounted

Speaking of his promise not to raise general taxes during his governorship, Howell promised to allocate resources and to give special emphasis to his two top priorities, education and giving a fair deal to Virginia's 82,000 state employees. Howell said that he intends to "start at the top and work down," and that "any objective that I have that will not fit in the budget will have to stay back."

In his speech at the Chemistry Building auditorium, Howell urged his audience to participate fully in the democratic process, and recounted his first taste of politics working for the election of Francis Pickens Miller. He cited as his entry into public affairs a 1954 lawsuit in which he represented a black patient at Central State Hospital in Petersburg. As a result of that suit, Howell pointed out, authorities condemned the standard of care at the hospital and the General Assembly appropriated at least two million dollars for the hospital.

Howell used this case to point out that one person can make a difference. He quoted baseball great Leo Durocher as saying that "good guys never win ball games," adding, "but good candidates can win if they justify the faith of the people."

Howell told of his first campaign for public office in 1959, when he ran for a House of Delegates seat representing his native Norfolk. His candidacy that year was a direct result of "massive resistance" to integration of public schools and the effort by the state's leadership to close the schools in Norfolk rather than comply with the law. The leadership, in Howell's words, "closed the schools in Norfolk in 1959 — black schools and white schools were closed in Virginia, the home of the Bill of Rights. Here was Virginia, the birthplace of civilization in this nation, advocating disobeying the law." Howell charged that the state's political organization "thumbed its nose at the Constitution written here in Virginia."

Public Education Supported

Howell described his decision to run by saying, "I believe in public education. I knew the people of Virginia believed in public education. The people needed a candidate." He observed that there were "not very many interested at first. Months went by. Schools closed down. Mothers didn't know what to do with their children. Mothers and fathers just didn't know what to do. The Navy said that if you don't want to educate your children that's fine. WE have to educate Navy children and if you don't we'll pull the fleet out. Then the bankers got interested."

Williamson Photo

Howell accused the state leadership of trying to defeat the more moderate approach of Governor Lindsay Almond and stated that House Speaker "Blacky" Moore called around the state, promising positions on the prestigious Finance Committee in return for a vote against Almond. Characterizing the politics of the day by saying that "you had to breathe the chloroform of conformity," Howell added, "I went to Richmond to witness for education. 'Blacky' didn't even call me."

Consumers Represented

Howell, who participated in the Supreme Court's famous "one person, one vote" cases, remembered his attempt to gain equal representation for the citizens of Norfolk as being prompted by a constitutional "bugle call." Commenting that in his fight to rid Virginia of the poll tax only one member of Congress, Democrat W. Pat Jennings, would help to rid Virginia of the "tax to vote," Howell proudly said, "you don't have to pay to vote in Virginia anymore."

Noting that his first appearance before the SCC was in 1960, Howell decried the fact that consumers must pay three times for their electricity: once for the energy, once for the fuel adjustment clause and once more for the surcharge. Of his long career of representing the consumer before the SCC, Howell said, "Every year like clockwork, either your automobile insurance company raised your rates or the utility raised your electric rates. It wasn't long before every year like policework Henry Howell was fighting them tooth and nail."

Among the accomplishments in which he took particular pride, Howell listed his suit to force Governor Mills Godwin to release eleven million dollars in federal aid to education in impacted areas, and his successful fight to subject credit life insurance to the SCC and the subsequent savings of forty million dollars within four years.

Howell then criticized opponent John Dalton for his refusal to debate, saying, "I had hoped he would join Henry at a debate at William and Mary. I had hoped he would have been here at the Legal Forum. I don't know where John is tonight. I don't know where he was when we fought the poll tax. I don't know where he was when

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DICTA...

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What we found was that the major difference between the "non-cooperative" witnesses and the cooperative witnesses was that the "non-cooprative" witnesses had not received their notices to appear in court or did not understand where they were supposed to go or what they were supposed to do.

For example, the study revealed that one out of every four persons identified by the police as a witness can never be reached again because of faulty recording of names, addresses and telephone numbers. When subpoenas are mailed to these witnesses, they obviously cannot reach their intended destinations. When witnesses, in turn, fail to appear in court at the appointed time, hard-pressed prosecution and court officials, faced with thousands of pending cases, dismiss the cases in the mistaken belief that the citizens do not want to cooperate.

Another important revelation from the PROMIS data in most of the jurisdiction is that there is a serious repeat offender problem among the defendants brought to court. About one out of every five persons arrested for a felony is already on conditional release from another crime. This means that the defendant, at the time of his latest arrest, already has another case pending trial in the same courthouse or else is on probation or parole from a previous conviction.

Once again, we have used the Washington, D.C., PROMIS data to explain a problem that appears to be common to many cities. Because Washington, D.C., PROMIS has been in operation for almost seven years, we have a good opportunity to assess the problem of persons who are brought into the same courthouse time and time again.

What we have found is that a mere 7 percent of those arrested for serious crimes during a period of about five years accounted for almost one-fourth (24 percent) of the work load of the court system. These 7 percent were arrested for serious crimes within the same city on at least four occasions during the five-year period. Moreover, we found that as many as one third of the persons arrested for robbery and burglary, which are thought to be the crimes of the professional criminal, were on conditional release from other crimes at the time of their arrests.

Handling Habitual Offenders

The first question that arises when examining statistics such as these is whether this small minority of offenders, who account for such a large part of the work load of the courts, are handled any differently from the other offenders. It would, of course, seem reasonable to make a special effort to convict and incarcerate the habitual offenders in order to prevent them from committing crime for a while.

Our analysis, however, disclosed that prosecution priorities were pretty much dependent upon the happenstance of who made the arrest. The most important influence on prosecution priorities was the intrinsic convictability of the case at the time the arresting officer brought it to the district attorney's office. In fact, intrinsic convictability was ten times more powerful an influence on prosecution priorities than the next most important influence, which was the seriousness of the curent crime. Researchers were unable to find any evidence that the prior criminal record of the defendant had any influence on prosecution priorities.

What this means, in effect, is that if a defendant who is a member of the small minority of highly repetitive and serious offenders (the 7 percent) happens to be caught by an officer who is a member of the small minority of arresting officers who consistently make good arrests, the defendant will receive priority attention from the prosecutors. If that combination does not obtain, however, no special efforts are made to conduct special supplementary investigations to compensate for deficiencies in the arresting officer's work.

The Washington, D.C., prosecutor's office has since created a special habitual offender prosecution unit, which appears to be having remarkable success in convicting habitual, serious offenders. Under the program, a specially trained cadre of experienced trial lawyers and police investigators take charge of cases involving habitual, serious offenders immediately after the arrests occur. They take immediate action to correct any deficiencies in the original investigation. The conviction rate for felony arrests handled by this unit is about 94 percent, compared with a conviction rate of about 30 percent for the average felony.

The success of the Washington, D.C., habitual offenders prosecution unit, known variously as the Career Criminal Unit or Operation Doorstop, is important in two respects. First, it suggests that a refocusing of priorities can have a profound effect on the professional criminals and, hopefully, on the crime problem itself. Second, it suggests that the evidence collection and witness cooperation problems, which plague the urban court systems and prevent many arrests for serious crimes from being disposed of on the merits, can be drastically reduced.

If the country had not waited half a century to begin to implement the recommendations of the Wickersham Commission, we probably would have begun to correct these problems long ago. In so doing, we might have been able to avoid some of the fear that has been eating away at the quality of life in this country.

Williamson Photo

Second sacker Steve Brooks dresses for success in true Wahoo fashion in a recent softball tilt.

Joe May See Games On TV As Playoff Tickets Go Fast

By Gary Goldberger

As the regular season comes to a close, the Tuesday league race is going down to the wire. The Supreme Quarts measured into a first-place tie with Koala Flats on the strength of a 17-5 refrigeration of the Incredible Leftovers.

Quarts Replenished

While the Quarts scored at will in the game, the Leftovers put up such poor resistance that the team has been forced to drop the "Incredible" from their name by league administrators who hold this part of the name to be a violation of Truth in Labeling.

The Supreme Quarts have been aided by the gritty catching performance of Dancin' Dave McCormick. Dave, a Yale man, has made it clear that the "Y" on a cap recently seen around the Law School really stands for YMCA.

While the Quarts were filling up their victory bottle, Koala Flats was leveled 10-5, by 12 Angry Men on heady hitting and less than heads-up running by Darryl Jackson. The Angry Men's offense was more than a match for the weakened, crippled, and fading Koala Flats. Jamie Katz lamented about the once-great champions, crying, "Guys won't take the field because of a little pain, and everyone wants to be traded to Cleveland."

Beef Trimmed

In the Macho League, Beef is still in first place, despite a 3-2 grinding by the Remarkable Coneheads.

The bad boy musclemen were stopped by the vaunted Conehead defense, led by shortstop Jim "the Human Vacuum Cleaner" Joyce, Eddie "Short Fielder" Baxa, and Dale "Sky" Ditto Ditto. The Big Game win over Beef, was played without team spiritual guru Bruce Williamson who unselfishly pulled himself at second base in favor of last year's hero (and graduate) Gordon Hylton. "I'm still batting second," Williamson said before the game, "and I'd bitch about not leading off if I weren't the manager."

The game was marred by a protest call in the sixth inning when Beef scored the first of its two unearned runs. The final ruling from the Commissioner's Office is still pending, but the outcome will probably not decide the first place team, as Beef leads the Coneheads and Mudhens by one full game.

Beef team captain John "Scrungebag" Fain claims success is due to tough pitching by Dave "Rain Maker" Shuford and to a thirst for the long ball that has largely been quenched by Bob "Boom-Boom" Barry and George "Home Run" Whitley. Beef claims to have reached the road with no less than ten Herculean drives, despite opponents inability to remember when all these clouts took place.

Another element in Beef's juicy season has been good defense up the middle. The keystone combination of "Bad Back" Harrison and "Hands" Land has been impressive in horning into opposition rallies.

The turning point of the season may have come early for Beef, with the 12-10 come-from-behind plucking of last-year's champions, the Mudhens. Fans are now waiting to see if Beef, whose starting lineup weighs more than a ton and is packaged best side down, can rebound from their recent loss in time for the playoffs.

Playoffs Upcoming

The Shifflets have been striking fear into opponents hearts lately. Led by the timely hitting of Dave Morehead, the game-winning hit of Robert "Bru" Brewbaker, and the 27-hit pitching of Peter Byrne, the Shifflets came from behind to pan the Meretricious Actors, 12-11. Then, the Shifflets managed to defeat Escheat in another close game. Despite the loss, Escheat was buoyed by the stable play of Tom Tegnazian, who cantered around the outfield grass chasing anything hit his way.

Hilda's Hermits have had a resurgence as the season winds down, although the leave of absence taken by Dave "No Names Please/Nip It in the Bud" Beddow has dealt the team a serious blow. Dave called from Houston and promised to be back by 7:30.

Fans are encouraged to come out and watch the playoffs, which start this weekend. Tickets are going fast, but in case of a sellout, three general admission tickets will be put on sale the day of each game. Joe DiMaggio is also reported to have not picked up his tickets for the opening game.

VGLSA...

(Continued from Page 1)

the Graduate Law Program Director.

The Association also provides a link with other persons in the Law School community, according to Fiocco. Program ideas being discussed to increase contact between the graduate law students and others include luncheons and coffee hours with faculty, and a function with members of other Law School organizations. Association members are also planning seminars in their areas of specialization to provide an exchange of ideas with faculty and other students.

Since nearly half of the law graduate students are from foreign countries, VGLSA sponsors trips which are related to the students' areas of interest. Visits are planned to the United States Supreme Court, Congress, the Virginia State Penitentiary, and the District and Circuit courts in Richmond. Members have also expressed interest in visiting the CIA and FBI. The Association's records indicate that members have traditionally been invited to meet with Justices of the Supreme Court during trips to Washington, Fiocco said.

VGLSA also sponsors social events such as a trip later this month to the Skyline Drive.

Currently fifteen students are seeking the Master of Law (LL.M.), two the Master of Comparative Law (M. Comp. L.), and three the Doctor of Juridical Science (S.J.D.). The twenty graduate law students represent Australia, England, France, New Zealand, the Republic of Chine, the United States, and West Germany.

Moot Court...

(Continued from Page 1)

because of the timing of the disappearance. Edmunds explained that the Board will investigate the case to the fullest possible extent. The Board has determined that, should the violator or violators be identified, the Board's only sanction would be dismissal from the competition "at whatever stage he or she is caught," according to Edmunds.

Edmunds called the theft "distressing and frustrating" for the Board and "very disappointing personally," adding, "There is no place at the law school for such behavior." He speculated briefly on the possible motive for such action, but concluded, "there is no such pressure" generated by the competition.

Edmunds said that the estimated loss to the library is in the $50 to $75 range. He added that the Moot Court Board has decided that it will reimburse the library for the theft because "we feel that it's our responsibility to do so." Edmunds noted that several competitors had contributed to the replacement fund immediately upon learning of it.

Howell...

(Continued from Page 3)

we took the principle of 'one person, one vote' to the Supreme Court of the United States."

Howell ended his remarks with an invitation to "people like you to join the cause. On November 8th the verdict will come in. There will be no hung jury. There will be no mistrail."

Handbook...

(Continued from Page 3)

litigated in the courts," she stated.

Members of the writing committee critized Virginia's "outdated" rape law, which does not recognize that there may be "degrees" of guilt. They also condemned the fact that the problem of wife abuse is not addressed in the Virginia statutes.

Placement...

(Continued from Page 1)

in the Placement Office. Turnbull stated that he plans to analyze this fall's interview selection process in the same way and to continually update information on the professional activity of women graduates.

Turnbull agreed with the suggestion that a comparative study of the number of employment offers made to women and men would be valuable. The Placement Office does not have the necessary information to make such a study, he stated, describing the necessary statistics as "mindboggling." Such a study, he concluded, would require requesting firms to reveal the number of their offers to men and women, or relying on students, who frequently fail to report the position they accept, to accurately report the offers they receive.