



Campaigns For Student Offices Finishing Up Next Week

Council Hopefuls Air Their Views To Tiny Audience

by Rebecca Lee

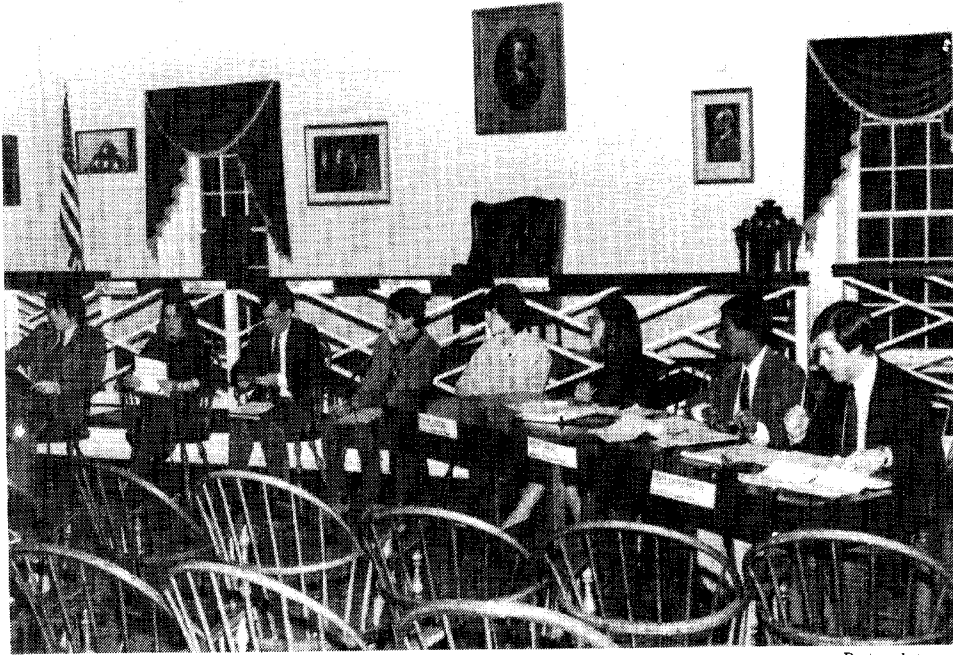
The SBA-sponsored debate for Student Council candidates, held Monday night in Jefferson Hall, only drew 13 audience members in addition to the 4 panelists and 4 candidates. Nonetheless, SBA President Jim Hart said he thought the effort was worthwhile.

"It's always worth it," said Hart. "It puts more of a University-wide flavor in the elections. For a few minutes, they have to think of the North Grounds." Presidential candidate Rory Clark admitted that the Student Council elections are geared toward undergraduates simply because they are the ones most likely to vote. Clark said he would work more closely with the SBA and through the *Law Weekly* to get better communication between law students and the Student Council.

The opposing candidate, Minnie Worman, emphasized the Council's role as a service organization and said she would work to publicize its services to the students on North Grounds.

Clark and Worman were questioned by a panel of student editors, Mike Bass of *The Cavalier Daily*, Page Boinest of *The University Journal*, Chris Marshall of *The Declaration*, and John Laskey of the *Law Weekly*. Unopposed candidates Rodney Akers, for Vice President for Services and Projects, and Steve Machiorlette, for Vice President for Appropriations, also had the chance to answer questions about their positions on a variety of student issues.

When asked how he would hope to affect law students as the new head of Services and Projects, Akers said he wanted to use them as a resource to undergraduates making career choices. The one particular service he thinks North Grounds



Duston photo

The participants in the SBA-sponsored forum on Monday were (l. to r.): Mike Bass, Page Boinest, Jim Hart, John Laskey, Chris Richard, Minnie Worman, Rodney Akers, and Steve Machiorlette.

students are most likely to benefit from is the Council's Escort Service, which he intends to publicize more widely once he is in office.

Machiorlette's priorities are to make student groups receiving funds from Student Council more accountable for them, perhaps through an ongoing auditing process. He added that he regretted having no opponent, but asked for student endorsement.

Law Weekly editor Laskey asked each presidential candidate to state their legislative and lobbying priorities. Worman endorsed efforts in favor of easing voter registration and lowering the trigger number for the Landlord-Tenant Act to be effective. Clark said he would work toward eliminating University budget cuts and threats to student financial aid. Both were opposed to raising the drinking age. When asked if she had any proposals for Student Council response, should the legislature raise the drinking age anyway, Worman could think of none. Clark had no position on either state or federal efforts to make

universities keep track of financial aid applicants' compliance with draft registration laws. Worman said she does not think enforcement is a proper function for school authorities; she supports the legislative Committee's opposition to any such law.

At the end of the debate, Hart admitted that the poor turnout was due to a number of factors: the Georgia Tech basketball game, the snow, and two unopposed races in the elections. Cavalier Daily editor Mike Bass agreed and said, "Given that there were only 10 people there, no, it wasn't worth it. There were more participants than spectators . . . and they were council members." Hart suggested that next year's debate might be held at the Law School, since attendance was high last year when it was in the student lounge. He insisted that SBA would continue to offer the service to the University community, saying, "If we don't do it, no one else will." Added Laskey, "It's a great service, but if people don't come, it doesn't seem worthwhile."



Duston photo

Rory Clark

Law School Elections Have Only One Contested Race

by David Masterman

Elections will be held on February 21 and 22 to allow law students to vote on three University-wide races, three law school positions, and two referenda. For the law school positions, however, only the office of Senior Honor Representative is contested, with one candidate only for Students Bar Association President and just two for the two Judiciary Representative positions.

In the only contested race, Alden Atkins opposes Scott Seeley for Senior Honor Representative. Both candidates attended the University as undergraduates and have had experience with the honor system in various capacities. Atkins served as an honor advisor for 2 1/2 years and as trial counsel for another year and a half, allowing him to become familiar with the system of honor investigations from the first suspicion to accusation to trial. Seeley came to know the system well from having lived under it for six years and by having served as an R.A. as an undergraduate. Among his duties in that position was helping first year students adjust to the honor system.

Atkins stresses his direct participation in the system. "I have become well acquainted with the procedures, particularly their strengths and weaknesses. I put a great deal of work into implementing the current jury system. In particular, I chaired a committee which devised the system to contact potential jurors, to orient them to the honor system, and to separate out racial or other biases," said Atkins.

Seeley, in contrast, believes that not having held prior office in the system will allow him to do a better job than someone with prior direct experience. "I can zealously represent the law school's interests on the honor committee without having to pay outstanding debts to other members that could impede my abilities to urge a dual sanction," Seeley said.

Both candidates believe that the single sanction should not be the only option in honor trials. Seely said, "Part and parcel of representing the Law School is representing the fact that law students don't want the single sanction. I think there's been erosion in the system. I oppose seceding from the honor system and I think there's a way to straighten it out without seceding. We need to bring people into the system. I don't think we can afford to let the honor system become a closed fraternity. People who have been involved communicate within themselves but not with the people they're supposed to represent, and that has caused erosion." Seeley believes that involving the law school and law students more can help the system.

Atkins also expressed concern over the sanction issue. He said, "I am strongly in favor of an alternative sanction to the single sanction, and I've been involved in campaigns to change the sanction. I think that most people, particularly law students, do not support the sanction, and as a result few people who lie, cheat, or steal are dealt with through the system. This is unfair to those who are brought to trial as well as to the rest of us whose faith in the honor of fellow students is diminished each time we hear of a person who got away with something." Atkins is also disturbed by the committee's tendency to change its bylaws every time it thinks a trial panel reaches an incorrect "not guilty" verdict.

In the uncontested races, Tom Byrne stands for Student Bar Association president. Jeff Horwitz and Gregg Joy each seek reelection to their positions as judiciary representatives. The only other race of specific concern to the law school is a referendum to amend the S.B.A. constitution to include gender neutral language.

Voting will be conducted by one or two voting machines placed in the hall on the first floor.

Foggy Phase II Windows Prompt Several Suits

by Jay Barker

The University is suing the architects and general contractor who designed and built Phase II of the Law School Building, charging that improper supervision and installation of the second-floor windows led to their becoming fogged by water seepage.

The suit seeks \$102,200 in damages for breach of contract from general contractor Robert E. Lee and Son, Inc. of Charlottesville, and three partners of the project's Charlottesville architects, Stainback & Scribner: Louie L. Scribner, Byron R. Sample and Dale C. Hamilton. Lee, in turn, has filed suit against its subcontractors for the windows and steel frames, Richmond Glass Shop, Inc. of Richmond, and Williamsburg Steel Products Company of Brooklyn, N.Y.

Trial has been set for March 15 before Judge David R. Berry in Albemarle County Circuit Court. A pre-trial hearing is scheduled

for next Wednesday, February 23, to rule on motions by Richmond Glass for jury trial and by Stainback & Scribner for dismissal under the statute of limitations.

The University's motion for judgement alleges that the combined breach by the two defendants "did directly and proximately cause" the windows "to become stained, fogged and opaque," preventing their "proper functioning" and "seriously detracting from the aesthetic appearance of the building."

"The University has sued the general contractor and the architect because we believe they breached their contracts and caused us damage," said George G. Grattan IV, the University's legal adviser. "On the other hand, the defendants and third party defendants are all pointing fingers at each other."

The window damage is apparently due to moisture invading the air space between the two panes of glass in each "in-

sulated" window, breaking through a seal that should have been created in manufacture and maintained during installation, according to excerpts in court papers from a report by consultants the University has retained to investigate the problem.

The report seems to pose several alternative or concurrent explanations for the seal's failure, such as "possible seal damage prior to or during installation, a manufacturing defect, or ultra-violet deterioration and subsequently a slow seal failure." Incorrect application of glazing tape outside the windows, among other defects in installation, should allow water eventually to penetrate all the windows, according to the consultants, Black & Veatch of Bethesda, Maryland and Kansas City, Missouri.

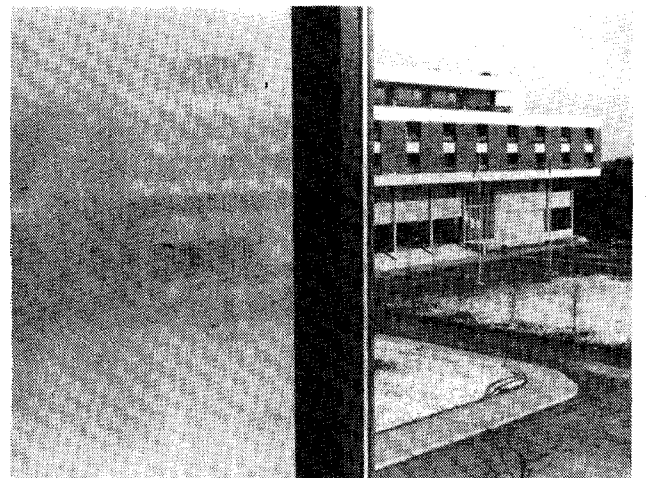
Court papers in Grattan's office show how the parties have blamed everyone but themselves. Lee claims that in removing the

windows to correct a painting problem after Richmond's installation, and then reinstalling them, Lee broke the window seals. Stainback & Scribner, for their part, allege that either "faulty manufacture" or "improper installation" caused the problems, not their plans or supervision. The architects also claim that the University has "failed to mitigate damages by unreasonably demanding that all windows be replaced when only a specified number have been damaged," according to their reply.

Only Williamsburg Steel has stayed out of the ailing to respond to the case in any way.

Several pre-trial motions must be heard on February 23. Richmond Glass, represented by Parker E. Cherry of the Richmond firm of Purcell, Cherry, Kerns & Abady, has moved to sever Lee's action against it from the trial on Lee's and the architects' liability. The Glass

See LAWSUIT, Page 2



Hoxie photo

The windows in the library have become the subject of a lawsuit against the architect and the general contractor.

Letter

Vote For Neutral Language

Next Monday and Tuesday, February 21st and 22nd, the Student Bar Association will be holding law school elections for such positions as SBA president, Senior Honor Committee representative, and Judiciary Committee representatives. Attached to the ballot will be a referendum to amend the Constitution of the Student Bar Association, replacing gender specific language with gender neutral language. Virginia Law Women encourages every law student to vote on this important issue which concerns the representation of the entire student body at the University of Virginia Law School. The SBA will set up voting booths in the first floor lobby of the Law School. Please take the time to vote on Monday or Tuesday. The proposed amendment to the Constitution reads:

"The following amendment to the Constitution of the Student Bar Association of the University of Virginia School of Law has been proposed:

RESOLVED, that the Constitution of the Student Bar Association of the University of Virginia School of Law be amended as follows:

—Article III, Offices and Officers, Section A, second sentence, strike "He" and insert "The President";

—Article III, Offices and Officers, Section A, Second sentence, strike "spokesman" and insert "speaker";

—Article III, Offices and Officers, Section B, subsection 2, following "his" insert "or her";

—Article III, Offices and Officers, Section C, subsection 1, second sentence, strike "He" and insert "The Senior Honor Committee Representative";

—Article III, Offices and Officers, Section E, subsection 1, strike "he" and insert "The SBA Vice-President";

—Article V, Elections, Section D, third sentence, following "his", insert "or her";

—Article VIII, Other Standing and Ad Hoc Committees, Section C, second sentence, strike "chairman or co-chairman" and insert "chair or co-chairs";

—Article VIII, Other Standing and Ad Hoc Committees, Section C, second sentence, strike "Chairmen and co-chairmen" and insert "chairs and co-chairs";

—Article VIII, Other Standing and Ad Hoc Committees, Section C, third sentence, strike "chairmen and co-chairmen" and insert "chairs and co-chairs";

—Article VIII, Other Standing and Ad Hoc Committees, Section D, strike "chairman" and insert "chair".

Shall this amendment be adopted? Yes No "

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Law Weekly Honor Roll

Grades posted as of February 14, 1983
According to Registrar Virginia Haigh, February 15 is the official deadline for professors to turn in grades for all First Year classes, seminars and upperclass small classes (less than 30 people). The deadline for large upperclass courses is March 1.

Alford — Estate Planning
Alford — T & E
Bergin — Property
BeVier — Property
Dooley — Torts
Dyke — Government Politics & Law
Fontham — Antitrust
Fontham — Constitutional Law
Hartman — Contracts
Hartman — Criminal Law
Hausmaninger — Roman Law
Henderson — Contracts
Hetherington — Contracts
Hunter — Contracts
Hunter — Contract Theory
Ibbeken — Modern Real Estate Practice
Jeffries — Criminal Law
Jeffries — Federal Courts
Jury — Legal Drafting
Kitch — Contracts
Levmore — Torts
Lillich — International Law Seminar
Low — Criminal Law
Lyons — Civil Procedure
Lyons — Corporations
Manson — Professional Responsibility
Martin — Property
McCoId — Debtor-Creditor Relations
McMahon — Federal Income Tax II
Meador — Civil Procedure
Merrill — Food & Drug Law
Middleditch — Virginia Procedure
Monahan — Law Psychology & Mental Health
O'Connell — Torts
Peller — Criminal Law
Redden — Advanced Research and Writing
Redden — Intro to American Comparative Law
Redden — Research
Robinson — Torts
Rutherglen — Civil Procedure
Saltzburg — Evidence
Spies — Property
Wadlington — Family Law
Walker — Civil Litigation Practice
Walker — Civil Procedure
White, G.E. — Torts
White, T.R. — Federal Income Tax I

Honor Secession Discussed

by Kerry Notestine

The Student Bar Association (SBA) has appointed a committee to undertake a study of the function of the Honor System as it applies to the situation here at the North Grounds. One possibility that the committee will study is a Law School break from the University Honor system. Whether the Law School can in fact secede from the University System is, at the moment, an open question.

The honor system, since pre-Civil War days, has been a student-run program. The system originally applied only to academic endeavors, but after the Civil War, the range of offenses for which one could be expelled from the University increased greatly. However, the important point is that the students have had sole responsibility on the maintenance of the Honor System for over one hundred years.

Raymond Bice, the Secretary of the University's Board of Visitors, said late last week that "several of the Board's bylaws pertain to the Honor System." For example, the Board is "encouraged" to maintain the Honor System and the University President is charged to "use his particular efforts to preserve and foster the Honor System."

Bice continued by stating that although the President and the Board of Visitors are charged to maintain the Honor System, it was determined early in the University's history "that they (students) would govern

themselves. It was agreed that the faculty, who had responsibility before, would turn it over to the students."

The difficult question then becomes whether the Honor System may be administered differently within the student body. Bice said that "to the best of my knowledge, the University always has been regarded as a unit." But he added that "with respect to other things — like the calendar and graduation — the schools of the University have had different (approaches)."

It seems then that the students who are charged to administer the system, could make such alterations to fit the particular circumstances that would be required. No one doubts that the Law School examination system and the professional consequences that could result from an expulsion from Law School, make the pressures on the honor system here different that those on the main grounds.

Bice was clear when he stated that there is "no implication that the Board of Faculty will take the Honor System over." Furthermore, the administration retains "no veto power. Very definitely, it is a student-run operation."

The only possible residual power in the Faculty or Administration would be exercised if the Law School were to abolish the Honor System's institutional restrictions on the law students' ability to administer the Honor System to fit their needs.

Law School Briefs

Give Blood Sedately

The Bloodmobile will be at the Law School on Thursday, Feb. 24 in the student lounge from 10 AM to 4 PM. All students and faculty are encouraged to donate.

Or By Playing Rugby

The Law, Business and JAG Schools have a new sport: rugby. The North Grounds

Rugby Football Club is looking for interested first and second yearmen to participate in a distinguished sport in which the partying is as important as the playing. Practices are at 4:30 Mondays and Wednesdays at the Sullivan Rugby Pitch. Any changes in practice times or location will be posted on the Athletic Announcement Board or on the chalkboards by the mailboxes. For further information, contact Win Dayton, Craig Van de Castle, or Guy Beckett.

Memo Wars II: The Dillard's Strike Back

We Dillard's always like to get the last word. Here are some anonymous Dillard comments for that wonderful anonymous memo.

MEMORANDUM

To: You Obviously Inferior First Year
FROM: All Knowing and Worldly Dillard
RE: You PATHETIC ATTEMPT AT A PERSUASIVE MEMO.

I GENERAL OBSERVATIONS

1) You ignorant slut, you've entirely missed the purpose of this assignment. First of all, you were supposed to be representing Billy, not that neofascist Jeremy Goode. Secondly, you were supposed to be persuasive. Only a young Republican would take your arguments seriously; can't

you tell that Billy was a victim of society? It is obvious that you had Emmo for Property, not Tommy B.

2) You've failed to adhere to the simple format laid out clearly in The Legal Writing Manual. What do you think Legal Writing is — a joke? You obviously have failed to realize that it is the only relevant course in law school. Once you've spent some time working in the real world, as I have when I was with Cravath last summer, you would know that form always triumphs over substance. It's not what you say, it's where you put your suits.

3) Despite your meandering, pointless writing style I've decided to give you a B. Now, don't go running to your Director like a simpering whimp; a B is a good grade at this law school. I know

you're used to much better grades, but it's tough darts here in the Macho League. People who get A's are nerds anyway — cool people are Dillard's. Besides, everyone gets B's in Legal Writing.

II FORMAT

4) You've failed to use point headings in this memo, which is understandable, considering that there is no point to this memo.

5) In your Facts section you failed to mention that Goode was the judge's classmate at Yale. Be sure to include all relevant facts.

6) You have not used proper citation form. What's the matter, haven't you figured out the Bluebook yet?

III ARGUMENT

7) Strategy: The only strategy I can find in this memo is the Ali Rope-a-Dope; only a cretin could hope to prevail with such a moronic analysis.

8) Analysis: You've complete-

ly missed several issues in this memo. Remember to do what Booming Bob told you to do on your Contracts exam: Be sure to pick up each little tiny Easter egg and put it in your basket.

9) Reasoning: You state that "it doesn't take a mathematician to tell that 12 is greater than 10." Who cares? Your job as advocate is to prove that 10 is greater than 12. This isn't as hard as it seems, as Jane Clarke has the final say on each memo.

IV PARTING COMMENTS

10) I don't know what you were on when you wrote this memo, but I'd be glad to give you an A on your brief if you'd get some for me.

11) I'd say you've chosen the wrong profession. With your inability to write, your totally irrational organization, and your clear befuddlement regarding the law, you should consider becoming a Dillard. After all, those who can't do it, teach it.

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