



In this issue: Toons; Sniglet Winner; Survey on Sexual Harassment at Summer Workplaces; Letters, Vanguard

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AROUND NORTH GROUNDS

This issue is the final one of the semester for the *Virginia Law Weekly*. The paper will resume publication on January 17.

In Trusts and Estates, Professor Robinson noticed the puzzled look on Tony Yoo's face and asked him if he had a question. After clearing up Yoo's confusion, Robinson said, "Does anyone else have a question besides Mr. Yoo? We may have a mutual admiration society, but it is not exclusive."

Knowing his Copyright and Patent class contained several chemists, Professor Kitch sought the class' assistance during a discussion of a patent case involving complex chemical compounds. "I need chemical help," he said.

ANNOUNCEMENTS

The new Virginia Journal of Social Policy and the Law will hold its first try-out between January 17 and January 31. This try-out is open to all second-year students who are interested in having a position on the Managing Board of the Journal. A meeting will be held at 4:30 on Tuesday, January 14 and Wednesday, January 15 to explain the details of the try-out process. We encourage all interested persons to try-out. Look for more details when you return from winter break.

Starting today and continuing through January 18th, ABLE will be collecting toys and clothing for homeless children. Boxes will be placed in the hall for contributions, and the items collected will then be distributed to the Salvation Army, S.H.E., and Hope House. All are encouraged to take advantage of this opportunity to add a little light to the lives of the less fortunate among us.

Thanks to all who contributed to the Thanksgiving Food Drive! The First Year Council delivered 29 baskets of food and 36 turkeys to the Charlottesville Salvation Army on November 26th for distribution to local families in need. A special thanks from the F.Y.C. Thanksgiving Food Drive Committee chair, Kim Simmons, to Conrad Rippey and Hilda Gurley for helping to coordinate the second- and third-year classes, to all section reps. for their efforts in contacting students, and to the F.Y.C. drivers who helped deliver the food.

A friend of Matt Bennett has informed ANG that the third-year law student will be taking a one year leave from the Law School to travel and work as a volunteer in Africa, Nepal, and India through the summer of 1992. He then plans to work on a presidential campaign in the fall of '92 and return to the Law School in the spring of '93. "Many third-year law students probably don't realize this semester will be their last chance to see Matt before we go our separate ways in May," the friend said. ANG wishes him well.

Local District Court Delivers Blow to Landlord in Ivy Gardens Rent Case *Damage Claims Against Law Students Reduced*

by Brian Svoboda

The Ivy Gardens apartment complex overcharged three U.Va. graduate students on their damage deposits and failed to fulfill its obligations under a re-rental agreement, an Albemarle County General District Court judge held Monday.

Judge Edward Berry ordered law student Greg Salathe and Darden students Eric Dean, John Niccoli and Jon Pelson to pay Ivy Gardens only one month's rent and a portion of the charges assessed against their damage deposit.

Berry rejected Ivy Gardens' claims for an extra month's rent and late rental fees. He also reduced the damage assessments charged by Ivy Gardens against the students, finding much of the alleged damage to be unsubstantiated.

Ivy Gardens filed suit in August against the students, claiming that they had failed to pay rent for the months of June and July. The students counterclaimed, asserting that Ivy Gardens overcharged them on their damage deposits and breached re-rental agreements signed in June.

Monday's testimony revealed some inconsistencies in Ivy Gardens' case against the four students. Salathe testified that he had moved out of his apartment on June 2, despite testimony by Ivy Gardens employees that his apartment was inspected on June 1.

Salathe also contradicted testimony by Ivy Gardens employees that he and his roommate, Eric Dean, left four condom wrappers in the apartment when they moved out. He testified that a Darden student's parents had stayed in the apartment

during graduation weekend, and that he had spent only one additional night in the apartment before moving out. "I had no opportunity to use four condoms," Salathe said later in an interview with the *Law Weekly*. Salathe said that he and the other students were pleased with the court's judgment, which he termed "a compromise solution," and added that he does not regret his decision to go to court.

"It was very much a moral victory . . . we feel vindicated," he said.

U.S. District Court Judge Dismisses Law Student Cazenavette's Race Discrimination Suit *Suit Against Department of Education not "Cognizable" Despite Policy Permitting Race-exclusive Scholarships*

by Jim Czaban

The United States District Court for the District of Columbia on November 15 dismissed a lawsuit by third-year U.Va. Law student Joseph Cazenavette and several students at other universities seeking to strike down the Department of Education's policy of permitting federally-funded schools to offer race-exclusive academic scholarships.

The suit, filed last March, al-

leged that the policy violated the Civil Rights Act of 1964 (Title VI) because certain scholarships are made available only to black students. Title VI forbids educational institutions receiving federal financial assistance from discriminating on the "ground of race, color, or national origin."

In a 14 page Memorandum and Order, Judge Stanley Sporkin ruled that "Title VI provides no express cause of action against either educa-

tional institutions who receive federal funding or the governmental agency charged with enforcement." Although the Supreme Court has created an implied private cause of action against the discriminatory institution, the court held "that no implied right of action exists under Title VI to sue the enforcing agency."

Sporkin's ruling left open the possibility of the plaintiffs' making their case "at the university level where courts will be presented with

fact specific contexts that will allow them to determine whether the particular program under consideration would come into conflict with non-discrimination laws."

Cazenavette's suit was filed after the Department of Education announced a ban last spring on racially discriminatory scholarships, but then quickly reversed the policy under public pressure. Cazenavette said at the time that the suit was filed in the see CAZENAVETTE, page 3

sba notebook

by Dave Higley

* The last SBA meeting of the semester convened on November 25, in "The Lounge."

* The first item on the agenda was the "Keg Scandal." Dean Stump made an appearance to discuss the future of "Happy Hour." The discussion started off adversarially with countless statements like, "We don't need supervision." Eventually, the tone became much more friendly, and finally the bottom line was given. We can have "Happy Hour" as long as we do the following:

- 1) Put up a sign stating that only people 21 or over may drink beer.
- 2) Define the area in some way.
- 3) Have someone there with TIPS training (Training for Intervention Procedures by Servers of alcohol).
- 4) Use outside funds for the keg.
- 5) Have alternate beverages available.

It was also suggested by some SBA members that "Happy Hour" was a rather generous term used for the gatherings. It was obvious that the name alone created concern, as Dean Stump referred to the term often. Apparently, Main Grounds perceived "Happy Hour" as yet another way the law students show they are having "just too damn much fun." In fact, the term "drunken party" was even used at one point. Although some students may wish for such an event, the SBA assured the Dean that this was not what was

taking place. In the future, leave on your unhappy library faces (that you've been wearing to drive off the medical students) while attending "Happy Hour" — at least until we can think of a better name.

* The Virginia Journal of Social Policy and the Law was next on the agenda. Its representative, Debbie Cleary, came to the SBA to ask for a one-time start up contribution of \$250. This payment would go toward fund raising, which is no small feat considering the Journal's \$13,000 budget. The SBA approved this request.

* The Book Exchange followed with a report on some concerns the administration had with the exchange. Primarily, the concern was with the question of liability. The SBA has agreed to take the liability for the loss of funds, but only after it was agreed that the Exchange was to take only checks, not cash.

* Joan Woods announced that a subcommittee will be discussing the possibility of raising the B-mean. Initially, every first-year [including me] looked quite interested until she went on to say that this committee would meet next semester.

* The meeting was adjourned to eat Domino's Pizza. Pepperoni has always been my favorite, but I have to admit, the beef and bacon was not bad. Good Luck on your finals and Happy Holidays!

SBA Book Exchange to Premiere Next Semester

by Jeffrey Stern

Law students' complaints about Anderson Brothers finally have tipped the balance. The book revolt has begun. Next semester SBA will manage and pay for a new Law School Book Exchange, a grand win-win scheme to take back those rapacious profits made by Anderson Brothers at law students' expense each semester. With its program, the SBA hopes to benefit law students with an economical means to exchange books, commercial outlines and study guides and to offer an attractive opportunity for student organizations to earn "off-the-budget" money for special projects.

Before now, Anderson Brothers scrimped out \$10 for \$40 texts. It then raked in \$30 and a nifty 300% profit for these same books when sold as used. The Exchange proposes to return the differential to law students, minus 10% of the gross sale price to the student organization chosen to staff the desks. Book sellers would be free to set their own prices, presumably anywhere between \$10 and \$30. Book buyers will pay only for what the books are really worth. Those costly commercial outlines and study guides, which Anderson Brothers does not buy back, will be swapped along with the texts.

The Exchange will be open only to receive books from 12 noon to 4 PM on Saturday, January 11. The

Exchange will open for business starting Sunday, January 12, the day before classes and run all the way through the 20th in order to accommodate drop-add students. To be held at Caplin Auditorium and interview rooms 58-60, Exchange hours will be from 12 noon to 4 PM the first Sunday and weekdays 10 AM to 2 PM.

Sometime between now and when the Exchange opens the SBA will select a "non-sectarian, non-political" Law School organization to sit at the desks and help manage the program in return for 10% of the gross selling price of each book. SBA estimates that the reward could amount to "several hundred dollars" and, due to the speculative nature of the scheme, will be "off-budget." This money, however, is not to be spent by program heads on first class tickets to Aruba for Spring Break, but must be thoroughly accounted for in a proposed, one-time project. Such diverse endeavors as "an Easter egg hunt for needy children" and "a printer" are among the suggested projects. SBA says it will select student organizations on the basis of their proposals.

The Book Exchange proposal was recently presented to the administration where it was enthusiastically accepted. The administration, however, expressed its desire to accept

see BOOKS, page 2

Survey Reveals U.Va. Law Students Perceived Summer Employment Harassment

by Karen Guss, Kimberly Martin
and Stephanie Webster

This semester, Virginia Law Women (VLW) and the Placement Office set out to discover whether students were experiencing behavior constituting workplace sexual harassment in their summer jobs. A survey was distributed to second- and third-year students, asking for information about the summer of 1991. The survey was patterned on a 1989 survey of women at large law firms conducted by the National Law Journal, a 1987 Equal Employment Opportunity Commission survey of women employed by the federal government, and a 1990 survey of clerical workers conducted by a U.Va. Law student for an undergraduate thesis. The survey was distributed to the 315 women and 475 men in the second- and third-year classes. A total of 158 students responded between October 20th and October 25th.

Although the survey was not flawless, it has provided useful information. As several respondents noted, for example, there was no box to check if no sexual harassment had occurred. This does not significantly skew the results, according to VLW and the Placement Office, because the survey report focuses on the number of students who reported harassment as a proportion of the total number of students who received the survey, not as a proportion of the number of students who actually returned it.

At least thirty-three women and one man reported having experienced varying degrees of sexual harassment during this past summer's employment. The most common type of harassment reported, affecting 19 students, was unwanted sexual jokes and remarks by

superiors, usually partners or senior associates. The next most common forms of harassment reported were unwanted sexual looks or gestures by superiors (12), and unwanted sexual jokes and remarks by those they considered colleagues (12). Most often, these colleagues were reported as fellow summer associates. Other types of harassment reported were unwanted deliberate touching by superiors (9), and unwanted pressure for dates by superiors (7) or by colleagues (3). Unwanted pressure for sex by a superior and unwanted pressure for sex by a colleague were each reported by one student. Finally, one student reported unwanted pressure for sex by a superior in return for a job offer or a favorable work evaluation.

The environments in which harassment allegedly occurred vary as well. Most of the students reporting such harassment worked in law firms (31 students reporting), but students also experienced harassment at government agencies (2), legal services offices (1) and public interest organizations (1). One student claimed to have experienced harassment at two law firms. Most of the alleged harassers were superiors (70%) and a significant number of respondents reported harassment by their colleagues (26%); the remaining 4% of the alleged harassers were clients and non-lawyer co-workers. Eighteen students reported experiencing more than one type of harassing behavior. Of the 34 students who reported experiencing harassment, nearly one-half reported that the person who performed these actions evaluated their work and/or had input into the hiring decision.

Survey respondents reported that some aspects of their jobs were affected more than

others by the harassment. The majority of respondents reported no adverse effects on their ability to work with others (25), the quality of their work (29), or their time and attendance at work (29). However, more than one-half (18) reported that they felt worse about their jobs, and nearly one-fourth (8) responded that their emotional and/or physical health suffered.

Law students have dealt with harassment in a variety of ways. The majority of respondents who reported experiencing harassment indicated that they dealt with the problem by ignoring the behavior or avoiding the person responsible. Only one person filed a formal grievance; that person reported a resulting improvement in the situation at work. The most common reasons given for not taking action included fear that their work situation would become unpleasant, fear that they would be blamed, and an expectation that nothing would be done about the problem. Of the six respondents who reported the behavior to a superior, five reported that their employer took action and/or found their charge to be true. One respondent reported the harassment to a supervisor "as a friend," expecting no action, and no action was taken. All but one reported that the situation thereafter improved. The other respondent reported that, although her supervisor felt obligated to report the behavior and a formal apology was made, the student felt that she was perceived as "too sensitive."

Sexual harassment did not uniformly affect law students' opinions of their legal employers. One woman, whose firm took action against her harasser after finding her claim to be true, was impressed with the manner with which

the firm handled the situation. Another was impressed that the behavior of one fellow summer associate, which included making inappropriate comments and "inappropriately touching [several] women (including a partner)," was sufficient reason to not extend him a job offer. Eight respondents reported that they would not recommend or would warn against the employer because of their experience this past summer. Fourteen students reported that the harassment will not affect their recommendations of their employers, usually because they felt that sexual harassment is so prevalent that women inevitably must contend with it. One respondent offered her opinion that "[s]exual harassment is something you have to put up with, like long hours or boring work."

None of the respondents reporting incidents in response to the survey reported them to the Law School. Only two of the respondents were aware that the official procedure for reporting such behavior is to inform Steve Hopson, Dean of Placement. In response to this information, Dean Hopson will be developing and publicizing the Placement Office's procedure for dealing with workplace harassment.

Next semester, Virginia Law Women will issue a more complete report on the survey results. The report will be available in the Placement Library and the VLW office. In addition, VLW will sponsor a presentation about methods for handling harassment. Any students with insight into and/or suggestions about responding to harassment are encouraged to contact the authors or VLW.

CAZENAVETTE

continued from page 1

hope that "the University of Virginia and all similarly situated institutions will be compelled to terminate their race-exclusive scholarships."

Judge Sporkin however said that through their suit, "plaintiffs ask this Court to require the DOE to begin a pattern of affirmative

enforcement concerning race-based scholarships... and to determine whether such a plan is 'effective.'" However, because the Department was in the process of reviewing its enforcement policy regarding such scholarships, Sporkin said "that this court should not intervene and preempt agency action before

the agency itself has fully evaluated all the relevant issues and has decided on the policy and legal course it intends to pursue."

Cazenavette said he "has no idea why it took the court so long" to rule on the Department's motion to dismiss, but

VANGUARD Sweeps Second Sniglet Contest

The *Law Weekly* is proud to announce the winner of the second Sniglet competition:

"The reason why, when you are walking down Aisle 11 Jams and Jellies in Giant at 10:34 pm and you make eye-contact with another law student whom you have been seeing in the hall for three years but have never spoken with, that you either avoid all eye-contact and ignore each other, or say 'hi' for the very first time ever."

The winning entry was:

"This is a no win situation. I'd call it a 'Kroger-22'" — VANGUARD

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he speculated that the court was waiting to see if the Department would react with a re-evaluation of its policies. That prediction appears to have been correct, as the *Washington Post* reported Tuesday that the Department is about to announce a new proposed policy banning race-exclusive scholarships. The policy would, however, permit race to be considered as a factor in awarding scholarships.

Immediately after the dismissal, Cazenavette said he might file an appeal. However, since the news of the Department's impending policy change, Cazenavette says that he must "wait and see what the policy brings" before deciding whether to appeal.

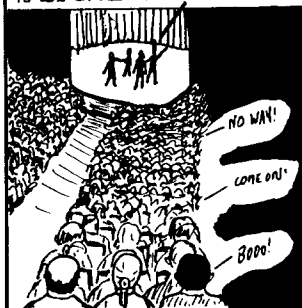
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by Jon Turner

YOUR GETTIN' WARMER CHEESOR! NOW GIVE US THE BIG DEAL!



VANGUARD

of Democracy

ALL THE NEWS THAT'S FIT TO PRINT

"Don't be afraid to leave the tap." — Moral of Ancient Parable

News From The Real World

The volatile mix of stress and beer is not unique to Withers High. The Sunbury, Pa. *Daily Item* reported the following story in its November 29 issue. Ten middle-aged men bought a keg and went out into the woods to drink. The men were "eating deer meat, drinking beer, and shooting at bats." After a while, the owner of the tap wanted to leave and take his tap with him. After a brief dispute, the tap owner grabbed his tap and turned to leave. A frustrated drinker pulled a handgun from his jacket and shot the tap owner. As he lay wounded, the gunner's father approached the victim, put a shotgun to his chin, and pulled the trigger. The shotgunner then picked up the bloody tap, put it back on the keg, and the men continued drinking. They discussed what to do with the body, and finally put it in the victim's jeep and set the vehicle on fire. Eventually, an eyewitness testified to these facts under immunity.

This is a true story, the moral of which is plain to see. Don't be afraid to leave the tap.

Sports Section

If a Virginia Tech Hokie is a castrated turkey, then the U.Va. football team was the *** as they finished off the much hated Techers in a 38-0 butt whipping. Matt Blundin broke an NCAA record with 216 completions without an interception, and Chris Slade was a perfect five for five — five sacks and five goofy dances. Saturday's win upped the Cavaliers' record to 8-2-1 and guaranteed a spot in the Tampax-Gator Bowl. Despite a losing record, Virginia Tech also received a bowl bid. The Hokies will play the Maryland Terrapins (a ter-rapin is a castrated turtle) in the Planters No-Nut Bowl in Sopchoppy, Florida, located twenty-five miles south of Tallahassee.

Culture Section

From the days of ancient lore pagan rituals abound. But in the times of modern man, very few are found. All the ones that do exist evade the watchful eye. They find their life in secrecy and in that shroud doth lie. They may begin with simple chant like fight songs tried and true. And crescendo 'til the hours of morn' here in the land of 'Hoo. A leader may come and raise a cup and ask them all draw near. They search from heart to bottom of soul for tune they hold most dear. Not long arises the jubilant spirit as the sun does to the cluckers. She starts an anthem of country and god with the words, "Come on you . . . guys." Nothing approaches the climbing passion of the sweet American Pie. Of the combat rolls and dropping of trou ours is not to reason why.

The brimming glee may over flow and spill out to the streets. The infectious air of the mirthful smile kisses all it meets. Wondrous stories of days gone by, of enforcement and breaking of glass, With a ferocious roar from the guttural depths the torch of might is passed. Of such things enough is said for no one really knows About the pacts in times of yore and plans of years ago. You may hear sounds of days gone by that make you look around. Remember in the times of modern man very few are found.

Local News Section

A group of first-year law students have organized the Seven Dollar Club to host sorority mixers. Vanguard was able to sneak into the

U.Va. The bond is natural and long-lasting as evidenced by an oft-heard quip at these functions, "You know, if you had bifocals, you'd look just like my daddy."

Bottom Nine

9. Lisa Spooner "or splater." Spoon is hoarding some high demand outlines in hopes of getting "special favors." She should have swallowed her pride and traded her outlines for attendance at the Tavern Party.

8. Cliff "Dude" Kinney. The tiniest Bulk Brother intervened in the *Law Weekly's* editing process to escape mention as a Bulk Brother and member of W.O.M.Y.N. The omission was underhanded, but, perhaps, appropriate.

7. Larry King "of Hearts." Larry dissed the Law School speaker circuit to announce his candidacy for President. King promised he would return, however, as he challenged Pat "The Ultimate Warrior" Buchanan and Hulk Hogan to a steel cage debate/wrestling match in the

Morty Caplin Civic Center. Jim MacLaughlin "Group" will be the guest referee.

6. Rob "Turn a" Trickett. Tricky promised Vanguard an invitation to the final sorority mixer but didn't come through. Fortunately, Vanguard was able to gain entry and report on the inner workings of the mystical Seven Dollar Club. See above.

5. Florida State Seminoles. How the mighty have fallen. As the game announcer so aptly phrased it — in one week the Seminoles went from being ranked third in the country to being barely ranked third in the state.

4. Miami Hurricanes. Just to give equal time, have you ever noticed that Miami's helmet and field emblem is a multicolored "U"? Not an "M" or a hurricane, but a "U". They look more like an ad for United Airlines than a football team.

3. All Those People Who Gave Breeder's Cup Money To Brian Culnan. Brian left town some weeks ago with thousands of dollars collected from some of his closest

friends/suckers. He reported back that he had blown the whole wad on the Breeder's Cup Pick-7. Since then, Brian has spent three weeks looking for a job in Albany. Is that Albany, New York, or Albany, Aruba?

2. Neil "Big" MacBride. Neil just happened to be studying in the library when that *Virginia Lawyer* magazine came by and took his picture to put on the cover. Luckily for Neil he also just happened to have all of his first-year books neatly displayed on his desk, his hair combed just right, his best pressed studying attire on, and a panoramic autumnal mountain scene out his window.

1. All those people who continue to leach off the goodwill and generosity of their softball team's captain and risk incurring his/her wrath by failing to cough up a measly five bucks asked for, not so much as a required payment for their share of the entry fee, but more as a simple but effective token of their thanks and appreciation for a successful season of fun and gaiety.

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