

Vermont Law School

EXAM ISSUE FORUM

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Arbitration Conference

Last Thursday the Environmental Law Center, in conjunction with the American Arbitration Association, sponsored a conference centering on the history and future of mediation as a tool for resolving environmental disputes.

The conference, which was held in the South Royalton House, began with an introduction by Dr. Brooks of the ELC and Richard Reilly, Regional Director of the AAA. Reilly identified the traditional role of arbitration and mediation, but stated that though environmental bargaining was new to the scene, it has and will work.

After this introduction, Prof. Frank Sander of Harvard Law School, who is well known in not only the collective bargaining field but also in family law, gave an overview of mediation. He identified the major types of bargaining-facilitation, conciliation, mediation and arbitration - and how each should or should not be applied to the unique problems of environmental disputes. He also spoke on the advantages and disadvantages of having parties control the outcome of disputes.

These differences were brought into focus during the next session, a "debate" on the pros and cons of mediation in environmental disputes. William Lincoln, Director of the National Center for Collaborative Planning and Community Services spoke of the positive implications, and Robert Thompson, Regional Counsel for the EPA warned of its shortcomings.

After lunch the conference examined two case studies in Vermont: the designation of wilderness area under RARE II, presented by Hugo John, Director of the School of Natural Resources at UVM; and the Lebanon Airport/CRAG case, presented by Professor Teachout. Emphasis in discussion was on learning through the problems which each case had identified.

Benson Scotch, Assistant Atty. General, Margaret Garland of the Vermont Environmental Board and Brandon Whittaker of the Vermont Agency of Environmental Conservation, spoke next on the effectiveness and roles of government officials as environmental mediators, and how Vermont's current environmental situation demands a "Vermont solution."

The conference ended with a presentation by Lawrence Susskind, Chairman of the Department of Urban Studies and Planning at M.I.T. on the legal obstacles to mediation and criteria by which mediation should be judged. Mr. Suss-

kind had also co-authored the materials around which the conference was centered, which had been prepared at M.I.T. Dean McCrory was the moderator of discussion throughout the conference.

The conference marked not only the sixth conference in which the ELC has been a co-sponsor in the last two and a half years, but also the first conference overseen by Janet Allen in her new capacity as Project Coordinator for the ELC. Although the student attendance was not as high as anticipated, the conference was a good opportunity to examine a process which promises to play an important role in future environmental policy.



Standards membership denied

This past week the administration was notified by the American Association of Law Schools (A.A.L.S.) that their application for membership had been denied. The A.A.L.S. is a separate entity from the A.B.A. but the two organizations are very similar. Membership in the A.A.L.S. while not as crucial as A.B.A. accreditation, is still an important step for any young law school to take.

As reported in The Forum earlier this semester (Sept. 28, 1979) the school being inspected must come up to certain standards in all its aspects, including finances, academic programs, administration and admissions in order to gain admission into the A.A.L.S. An inspection team visited the school this fall, looking at various aspects of the school. Their report stated that the school was living up to the A.A.L.S. standards in every respect; fine facilities, an excellent faculty and a good faculty/student ratio. In denying membership, however, the A.A.L.S. gave no concrete reason as to the basis of their decision.

Both Dean Debevoise and Dean McCrory expressed some disappointment over the A.A.L.S.'s decision. Their feeling was that since the school had received such a glittering report which contained nothing negative about any aspect of the school it seemed rather strange that the membership had been denied. The only way to reconcile this decision, they felt, was that it simply seems to be an A.A.L.S. policy that young law schools do not receive an A.A.L.S. membership on their first attempt. Dean Debevoise further noted that since VLS is due for an A.B.A. inspection in the spring of 1981, he would try to have an A.A.L.S. inspection coincide with the A.B.A.

Professor Krauss provided an interesting alternative perspective on the situation to the Forum editors. A past member of the A.A.L.S. Accreditation Committee, it has been his experience that over the years very few schools received their membership on the first try. This, he emphasized, was nothing bad, nor was it anything to worry about. After all, nothing bad was said about the school. Often the denial of membership puts a little more pressure on the school to improve various aspects of the school (the library, a legal clinic, etc.) just that much more. It seems only a matter of time before VLS receives its A.A.L.S. membership, the "final feather in our cap."

Bischoff Receives Award

New York, N.Y. -- November 14 -- Dr. Ralph F. Bischoff, a professor at Vermont Law School, will receive the 1980 Vanderbilt Gold Medal of the New York University School of Law -- that school's highest honor -- at The Vanderbilt Associates inner here tonight. The medal is given each year for outstanding contributions in the fields of judicial, academic, government, or legal service.

Dr. Bischoff holds a B.S. from Wesleyan and an A.M., Ph. D., and LL.B. from Harvard University. He first taught at Wesleyan and later became a member of the faculty at New York University.

Subsequently he was named Denison Professor of Law and is now Professor Emeritus at NYU in addition to his teaching responsibilities at Vermont Law School.

The Vanderbilt Award is a group of alumni and friends of New York University's law school who give guidance and support to that institution. The medal has been awarded annually since 1969 and is named in honor of Arthur T. Vanderbilt who was Dean of the New York University School of Law and Chief Justice of the New Jersey Supreme Court.

Dr. Bischoff lives in Orford, New Hampshire.

Prospectus on Courses

This year, VLS has several new people teaching the regular courses. The Forum wondered if any of them were planning to use any new methods or present different perspectives on the material. The following information may help those of you planning to make any late changes in your schedules.

Dick Brooks will be teaching State and Local. Since it will be a small course, he plans on running it as more of a graduate seminar than a normal law school class. As of this printing, he will require a paper and a final exam. The paper will be the result of a term's outside work with a city attorney on a major problem, if the idea is feasible. Mr. Brooks would like to meet with the people in the class before exams are over to make final decisions.

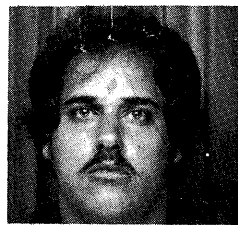
Half of the Corporations class and a seminar in Advanced Corporate Profits are the two courses offered by Mr. Knauss. The Corporations class, divided at random with Mr. Honabach, will be quite similar in format to this term's Agency and Partnership course. The same book will be used. Mr. Knauss mentioned that he is looking forward to this class as it will be smaller, (about 60 enrolled as opposed to 130 this term). Not only will he be able to do more in the way of class discussion and written problems, but he would also like to get to know the students better.

Mr. Knauss' seminar emphasizes research on various aspects of corporate governments, especially medium and small-sized companies. He plans to run it as a traditional seminar, with 12 students to promote class discussion. Students will probably be required to distribute their first drafts among the others for comments and criticisms, before writing the final paper.

Remedies, taught by Nancy Grandine, will be a survey course, focusing on problem discussion rather than all case study. One or two

papers and a final will be required, concentrating on applying the various remedies to specific problems. The text will be supplemented by xeroxed cases.

Although first-year students do not have a choice whether or not to take Property, the Forum was curious to see if Tom Ross' plans were any different than Mr. Dycus'. Mr. Ross stated that the book and subject matter would be substantially the same, mainly to accommodate next year's Estates teacher. Even though there is not much room for experimentation, Mr. Ross is excited about the class and is looking forward to more contact with the first year students. He will also be teaching a section of the Litigation Workshop this spring.



It has been learned by Forum sources that the Dean won't give up Shaw despite mass student protest for his return.

The Shaw came to VLS in fall of '78 allegedly to pursue legal studies. Recently, however, there has been growing speculation that he is actually here to form a counter-culture.

According to Dean Debevoise any attempt to move the Shaw might prove to be fatal. "He can't go now even if he wants to. We have a six semester residency requirement, you know."

At this time the fate of the Shaw is uncertain. At press time it has been learned that an international mediation group has been formed and will be headed by Matt Billet.

From the Editors...

Oil Insanity

Georges Banks is one of the richest fishing grounds in the world. Located off the coast of Massachusetts and encompassing an area approximately the size of West Virginia, the area maintains over 200 species of fish. It provides 17% of the United States' saltwater catch, 14% of the world's. However, Georges Banks contains another natural resource — oil. Last week the Department of the Interior announced that it will lease drilling rights for this resource to private oil companies despite the efforts of the Attorney General of Massachusetts, fishermen and environmentalists. President Carter, in the wake of the Tellico Dam fiasco, has come out in support of the drilling.

We feel this decision is an erroneous one for several reasons. First, the actual amount of oil that Georges Banks will yield is unknown, but the best guess is 123 million barrels over a 20 year period. This is much less than the reserves in both Prudhoe Bay and the Gulf of Mexico. This amount would provide the United States with a week's supply of oil. Energy crisis or no energy crisis, to sacrifice a rich fishing ground for a paltry amount of oil is absurd.

Secondly, the potential for a major oil spill is very real. One shudders to think of the consequences that this spill would have on the fish in Georges Banks. Even the day-to-day operations would produce discharges that would no doubt cause pollution and harm to the fish, to say nothing of the livelihood of the fishermen. Can Secretary of the Interior Cecil Andrus be serious in supporting this issue?

There is no doubt that we as a nation, as well as the world, are craving for more sources of energy -- almost to the point of obsession. Rather than spending millions of dollars on oil, a non-renewable resource, why not put this time and money into developing a more viable energy alternative, such as solar or wind power? Over the past decade environmentalists have been attempting to raise the consciousness of the American people with regard to the environment, and their role in maintaining and preserving a clean and healthy habitat. The government has supported this movement, as evidenced by the passage of such legislative acts as NEPA and the Clean Air Act. When the government comes out in support of a decision such as that in the Georges Bank situation, however, one wonders where its priorities and interests really lie.

REFLECTIONS

As the year comes to an end and the holiday season descends upon us it is difficult not to both reflect upon the past and ponder things yet to come. Many of us have come to realize that the study of law has transformed us. It is not clear whether this metamorphosis is a result of the intensity of our legal studies or a natural phenomenon of the aging process. Regardless, it is obvious that many sensitivities have been shoved aside and replaced by seemingly pragmatic considerations. Realizing this may assist us in rekindling our awareness of the importance of other people in our lives. A closely-knit community is precious despite its aggravations. We are especially fortunate to have such a diverse and talented group of individuals at this school. To overlook this human resource or to allow trite bickering to create imaginary distances is a waste. With the dawning of a new decade let us each take the time to appreciate what we have and recognize that there is more to law school than books. Merry Christmas.

To the Editors:

I am writing in response to your editorial on the situation in Iran which appeared in the Nov. 9th issue of the Forum.

You write that there was no excuse for letting our embassy be captured by "fanatics"; that there was ample warning of trouble; that the take over represented an "unacceptable risk to the national security of this country"; and that the inability to defend ourselves invites attack and encourages additional terrorist activities.

Addressing the first point, I believe that our embassies are not meant to be protected by a battalion of marines. Besides, how many troops would you estimate it would have taken to hold off the captors of the embassy in Iran? If there was warning, and it can be plausibly argued that the U.S. Government should have expected something after having let in the Shah, what good would sending that battalion of marines do, especially to the already strained relations between our country and the people of Iran.

What "unacceptable risk" did our inability or unwillingness to protect our embassy with an army of marines pose to our national security? By your own words the attack in Iran was a terrorist attack. By definition, terrorists will not be deterred. I agree that the Iranian students show signs of ardent fanaticism. Unfortunately, it is the volatile character of such fanaticism that precludes it from being deterred by a show of force.

You write that a strong and dynamic leader would make it clear to the Iranians that the U.S. will not tolerate such acts; but you don't propose anything. What kind of "decisive" action do you want?

I don't mean to come off sounding as if I think we are not in trouble, or that the U.S. has not been severely challenged. I do believe, however, that some knee-jerk military response would be asinine and designed more to prove that we have clout than that we know what to do with it.

By coming out five days after the take over and saying that the President, by "submitting to student threats and tempering our response" is guilty of "sheer cowardice" is not well thought out. The government is dealing with a dangerous and unknown situation and any macho response, I believe, would only incite the mob into increased hostilities.

I don't have any answers to this incredible mess. But I am fairly sure that chest beating and saber rattling doesn't help in this situation. Neither do I believe that a military action would be appropriate if its purpose is only an attempt to show any future terrorists that they can expect retaliation. The point can be argued but I don't think terrorists are deterred to any significant degree by the fear of death.

Steven Vogl

I got up early on October 26th, hoping to get a copy of the VLS Forum from a local newsstand before they ran out. Fortunately, there was one copy left. I was pleasantly surprised by the Faculty Profile article "written" by me. Now I finally have a writing sample

that I can present to potential employers.

Greetings to all.

Charlie Roberts
Washington, D.C.

I do hereby propose that a Committee of students be formed for the purpose of drafting an Honor Code for students matriculating at VLS.

The need for an Honor Code is present in light of the disappearance of needed library materials, the petty thefts, and incidences of vandalism occurring at school, the rigidity of exam schedules (to the students' detriment), and other minor inconveniences occasioned by the lack of an Honor Code.

This Honor Code shall establish a concept of right and just individual conduct antecedent to the assumption of professional responsibility as lawyers based on individual integrity. The goal of the Code will be to maintain a community of mutual trust; aimed at facilitating the exam process, providing the broadest possible student access to library resources, and to foster respect of the students on the part of the faculty, administration, and other students.

Phil Mancini

P.S. This proposal was unanimously adopted by the SBA on December 3, 1979.

I'm tired. Not only that, but I'm mad. I mean, why not? After all, I work twice as hard as anyone at this law school and what do I get? Nothing. Absolutely nothing. And the other day I'm unprepared - you guessed it - I get called on. Now everybody thinks I'm a fool. That's why I'm mad. And tired. And you know what else? I lost twenty cents in the coffee machine. And I never get to use the ping pong table because the same people are always using it. The pool table, too. And what's worse is they're laughing. I'll bet they're jealous of me, that's why. And worst of all, they never write about me in the paper. Fools.

Sincerely,
Name withheld
upon request

Last May members of the orientation committee for new students researched and prepared a large resource map of Vermont on which recreational facilities, shopping areas, points of interest, medical

facilities and many other essentials were located. Hundreds of pamphlets and brochures were collected to accompany the map, describing what Vermont has to offer, where, and at what cost. When the map was completed the SBA voted funds to protectively frame it, the shop offered to do the carpentry, and Dean Debevoise suggested it be put in the hallway between the main classroom building and the library.

The story of why the map and literature rack are not in use is a story of waste. Wasted effort to complete the project, wasted money on materials, wasted time and energy haggling with the business office, wasted resources for students.

After a summer of negotiation in which a request for money to purchase a rack for the pamphlets was turned down on the ground that the shop could make one "some rainy day," the map suddenly appeared behind the door of Abbot House, unframed, unprotected, and inaccessible. It was hung on a wall without room for the literature that makes it effective, and in an inconvenient a place as one might imagine. Protest by the committee and by the SBA was ignored, and the business office declined to do anything about it. Needless to say, no rack was ever made and the literature sits in a locker.

In early fall another attempt was made to get action. It was pointed out that first year students were trying to get acclimated, that the brochures on camp sites, biking and hiking trails, community theatres and fall foliage events would shortly be out of date for the year. Still no response from the business office.

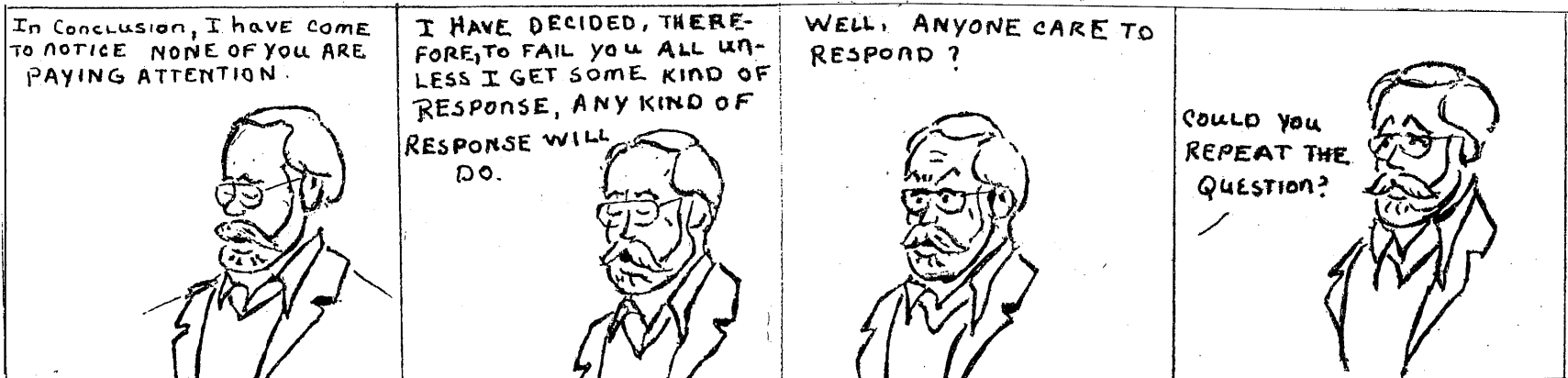
It occurs to me that with winter vacation coming and cabin fever sure to follow maybe another effort is in order. But not just by the handful of people who have been beating their heads against the business office wall thus far. Do you like to ski, skate, sled or slide? Do you go to church, movies, plays, restaurants? Do you collect antiques, cars, rocks, clothing? Need a job, doctor, food stamps, shrink? If so, write your local business officer today, stop her in the hall, catch her in the ladies room. Its time for group pressure to close the map gap.

Dinah Yessne

VERMONT LAW SCHOOL FORUM

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Exam Security Breached

Recently THE FORUM obtained access to some of the exams which will be given shortly. Bearing in mind that many are suffering from anxiety at this time, the editors feel that in publishing the following exams no student will receive an unfair advantage and all students may relieve some of their distracting tensions.

ESTATE'S FINAL, DECEMBER 1979 J. Stephen Dycus

- You will have 21 years or a life in being, whichever comes first, to complete this exam.
Lightbulb magnate Eddie Cowley wishes upon his demise that a gift be given to Vermont Law School in the amount of \$13.74. He does, however, ask that several minor conditions be attached to the gift. He leaves on your desk, on a yellowed piece of notebook paper, an idea of what he would like the devise to look like.
"As a token of my generosity, I hereby fork-over to Vermont Law School, \$13.74, but if Mark Schribner ever attains a height of 5'7", I want it back, plus interest; however on second thought, let Doc Donohue have it to buy some clothes without paint on them so long as Doonesbury remains a member of the Chappaquidick Swim Club and if he doesn't to Frocco to be used to buy some decent ping pong rackets and in default but only as a last resort to Conrad Kattner if heat ever ceases to have anything to do with temperature. How about it?"
- Please name the first eleven Dukes of Norfolk and their favorite colors.

SECURED TRANSACTIONS Professor Ross

- Spanish speaking Perennial Deadbeat buys a 1973 Pinto from Fred Ford on time. Fred files a U-CCC statement with the town clerk, the state clerk, the clerk's clerk, and his mother-in-law. Fred then sells the financing agreement to Savvy Lender, then tells him that the car was a lemon. Savvy Lender sells the agreement to U.C.I.T. The Car doesn't pay. Fred goes down the tubes. Savvy goes belly-up. Deadbeat doesn't pay, in fact, he never has paid anything. Rum Bum buys the chattel paper at a pawn shop.
 - Deadbeat wins, right? Wrong. What's the section of the code to look to?
 - What's the only most important reason for this result?
 - Exactly right. What's the other only most important reason?
 - What do the comments say and who cares anyway?
 - Who beats who to Acapulco?

- Reconcile all relevant sections of the U-CCC, the U-3C, the Federal Bankruptcy Act and the FTC.

CIVIL PROCEDURE Professor Shreve

Situation

Mr. Antonio Alphonse Resa Adjudicate of New York, New York, writes in to our law firm and asks the following question:

"If - I and my brother and his three kids and my wife who sells shoes out of the hotel room we use as a temporary place of business where my brother Angelo and I sell bottles of tonic down the street since we don't want to get notified by (blank) to return back to cousin Alexander's marble quarry through the Greyhound Bus Co. in Baltimore where we have a free lifetime pass because our bambinos have to go to public school with the rich kids and they don't want to end up driving front end loaders or working construction in the South or something as silly as selling boiler pressure tanks out of Ohio, are involved in drawing payments on this old lady's account because we couldn't meet our car payments but we were mad at her anyway for giving us contaminated ham at the big family gathering where my cousin Alto who is a left leg amputee who deals in acts of unfair competition informed us quasi in rem of the approaching train. Well, when the train jumped the tracks it hit this movie theatre above us where we were all sitting at the big family gathering sipping the tonic I sell when the plaster on the ceiling fell and ruined the wine the customs man was trying to confiscate at the same time the hotel manager was trying to tell me Rosa wasn't my wife.

Mr. Adjudicate's question is, "Am I liable for the fluid distribution of unclaimed residue?"

At this point Mr. Razor Edge raises his hand and queries "OK, um, is the comma in the right place in this question?"

- Answer Mr. Adjudicate's question as if you were Judge Decisis in a federal district court.
- Compare the decision in the adjudication of Mr. Adjudicate's adjudication by Judge Decisis with "Able was I 'ere I saw Elba", in light of the jurisdiction.
- Which case we have studied does this remind you of? (You may use your book).

CONTRACTS EXAM Professor Gilmore

Bear in mind, that whenever during this course I refer to Holmes, I really meant Cardozo.

- The Economic theory of Contract Law put forth by the Chicago School is:
 - an interesting theory to be examined and discarded
 - insane
 - wrong
 - all of the above
- The case of Hoffman v Hoffman wherein the plaintiff sells his bakery store to open a super market and is then dragged along by the nose by the super market chain is a prime example of:
 - promissory estoppel
 - an allergic reaction to bread
 - a very curious case
- Here is a list of names you, by now, are all familiar with. Please place all the good guys in Column A and the bad guys in Column B.

Holmes	Mansfield	Gilmore
Corbin	Trayner	Posner
Williston	Mellish	Cardozo
Kessler		
- In our famous flagpole hypothetical where B promises to pay A a certain sum of money, say \$1,000, if A climbs the flag pole in the town square, can B revoke his offer before A starts? When A is halfway up? When A is very near the top, after A has reached the top? Can B grease the top half of the flag pole?
- A long time ago we briefly discussed the "peppercorn theory". I gave you this hypothesis. If I own property worth \$100,000 and I offer to sell it to you for \$100 and you accept, and all this is written out and signed by us in a very legal manner, is this agreement binding? You answered in the affirmative, and I responded, 'The law might be an ass, but it's not that much of an ass.'
Would you please tell me how much of an ass you think the law is.
- Please summarize briefly and intelligently the historical evolution of contract law from the late 18th century to the present.
- It was brought to my attention that a firm which manufactures pacemakers to keep the heart going places a life-time guarantee on their product. This is:
 - an illusory promise
 - a quasi-contract
 - an allergic reaction to bread
- This last question has nothing whatsoever to do with the law of contracts, but it does test those powers of observation and deduction which are essential to the mind of a lawyer. For this reason this question, really a very simple one, counts for 35% of your grade.
Now...I'm sure you've all noticed in the many hours we've spent together how I constantly change my glasses. First the brown ones, then the black ones, then the brown ones, again evidently with no rhyme or reason for the changes.
The question is: Which pair of glasses do I use for reading?

EVIDENCE FINAL EXAMINATION, FALL 1979 Mr. Kreiling

Instructions: You will have four (4) hours to complete this exam. You will need four hours. If you are finished before time is called, your answer is obviously incomplete, and you'll probably fail the course, but don't let that worry you. Good luck!

Question 1: (Suggested time: 3 hours, 45 minutes)

Plaintiff's major witness is on the stand and has just testified that she knew about your client's prior business dealings from what someone had told her. On cross-examination you ascertain she received the information in the following manner: The information came from her sister's milkman's wife's cousin's hairdresser's receptionist's brother-in-law's rabbi's sister's neighbor's daughter's boyfriend's parent's employer's agent's doctor's son's roommate's paramour's uncle's sister-in-law's butcher's cousin twice removed.

- Is there a hearsay problem? If yes, where?
- Is this information reliable?
- What is the milkman's first name?
- What overworked cliché will the "Vanguard of Evidence" use in answering this question?
- Disregard the above questions.

Question 2 (Suggested time: 15 minutes)

Rewrite the Federal Rules of Evidence to reflect your personal feelings as to what the law should be. State the reasons for your changes and analyze the development of the Rules from the common law through the present system.

LAND ABUSE Norman Williams

The following 400 pages contain two Pennsylvania cases decided by J. Bell and three dissents in N.J. cases by J. Hall. During the two hours you have for this test skim these materials and keep the following questions in mind.

- How large were the lots involved?
- How many toilets does this allow per acre?
- What street is the N.J. Supreme Ct. located on? What does this tell you about the urban renewal program in Trenton?
- Is this a developers' case, neighbors' case, correct case, ridiculous case or brief case?

5. What does Robert Moses and Triborough Bridge Authority have to do with buses of blacks and Puerto Ricans?

6. Does J. Hall advocate a 1st, 2nd, 3rd, or 4th period attitude toward judicial review? (Note that although no one noticed this until he pointed it out, it finally closed the issue even though the case law remained unchanged for 12 years.)

7. Why is the Connecticut Court of Errors so appropriately named?

BONUS QUESTION: How many pages are there in my Treatise?

EXAM

Criminal Law
Professor Schecter

Question 1:

You are a member of the jury and must decide whether to find the defendant

1) not guilty, 2) guilty of murder, 3) guilty of manslaughter 4) not guilty by reason of insanity.

Mr. and Mrs. S. Claws returned home from a Christmas party only to find the defendant, Mr. Nick, wedged in the chimney. A pack of sheepdogs, with small bushes tied to their ears in simulation of antlers, were mulling about desecrating the Christmas figurines on the front lawn. Mr. Claws, who had imbibed a fair amount of holiday cheer, gleefully started a fire in the fireplace, humming "Joy to the World" under his breath. As Mr. Nick's black plastic boots began to melt, he got a burst of energy and tore himself loose, falling into the blazing flames. While rolling about on the floor, he ripped his white cotton beard off of his face and threw it at Mr. Claws. Unfortunately, Mr. Claws was wearing a Christmas get-up of flammable silver tinsel and tissue paper. He lit up like a Christmas tree and set the entire house aflame. Only Mrs. Claws and the defendant escaped; Mr. Claws and their son, an adorable blond curly-haired three year old genius, perished.

Mr. Nick was captured when the sheepdogs, while pulling the sleigh, got tied up around several attractive trees. The large bag he was carrying contained 142 milkbones and a burglars crowbar.

Verdict?

Under the Model Penal Code?

EXAM QUESTIONS

Commercial Law
Prof. Gilmore

1. Trace the history of negotiable instruments from the law merchant to the present day codification. You may use a compass and protractor. Limit your discussion to four sheets of graph paper.

2. The common law of assignments mysteriously disappeared from the arena in the early thirties. Have you got it? If you have, what on earth have you done with it?

Questions stolen by Toffehen Rivers.

EXAM QUESTIONS

Federal Courts
Prof. Shreve

1. The following exchange was overheard recently in the Supreme Court:

- A: "Cert. is a breath writ."
B: "No, Cert. is a candy writ."
C: "No, you're both wrong. Its two-two-two writes in one!"

Discuss.

2. "The Supremacy Clause: The Pope can do no wrong." Discuss.

3. Throughout this semester we have explored the relationship between state and federal courts in the federalist system. We have repeatedly characterized this relationship as one involving a heightened sensitivity to "judicial comedy."

Trace the development of this strain of judicial humor over the past two hundred years. Do not fail to touch on such zany judicial antics as "subpeona squashing" and "Henny Youngman - type" abstention.

Thanks to Larry Omelette. Otherwise, T.H.R.

(cont. on pg. 4)

(EXAMS, cont. from pg. 3)

EXAM

Legal Writing and Research
Professor Grandine

I. Write everything you know about something you know nothing about in a jurisdiction in which you will never practice law. Be clear and concise. Organization is important. Maximum ten pages triple spaced. No extensions.

II. (a) Look up an insignificant fact in an obscure book found in an inappropriate place in the library. Write down the page number.

(b) BONUS: Find a student assistant who knows how to do part (a).

EXAM

Administrative Law
Professor Teachout

The NLRB sends out formal invitations to an informal party which they decided to have after ex parte communications with the DOT. The DOT has chosen the public mall around the reflecting pool of the Washington Monument as the site of the party without examining other alternatives or soliciting public participation. The tentative invitation list was published in the Federal Register. Joe T. Payer was uninvited. He brings an action under the FOIA to find out why. His wife brings suit under the other sections of the APA as an aggrieved party. Judge Bazelon dismisses both suits summarily as administrative remedies were not exhausted (the Payers could have crashed the party). Leventhal dissented under the "serious look" standard.

T. Payer then appeals the non-invitation to the NLRB. He who hears does not decide.

(a) Is this informal adjudication or hybrid rule making?

(b) What standard of review?

(c) What will Rhenquist say in dissent?

(d) In what part of Oklahoma is the headquarters of the FAA?

(e) Do you have standing to answer these questions?

(f) Define injuries which may occur in the course of and arising out of employment of a game warden during partial dishabille while engaged in checking for possible small mammal trapping violations.

EXAM

Accounting Final
Prof. Luslin

(1) A. Show all journal entries and T-accounts for VLS from Aug. 31, 1979 to Dec. 31, 1979. Close all accounts and record all transactions on an appropriate balance sheet using the actual method of accounting.

B. Using the info in A above, adjust all journal entries to reflect increased cash assets and accounts payable of VLS and decreased cash assets and accounts receivable of SBA.

C. Show all interest payable to VLS after the above transaction.

FINAL EXAM

Criminal Justice

PART I. Answer any two of the following 3 questions.

1. Explain fully the impact of: Kant, Rawls, Hegel, Marx, (Karl not Groucho), Lenin (Nikolai not John), Betham, Keynes, Smith (Adam not Nancy) and Mill upon the legal system. Place particular emphasis on the West German and Madison, Wisconsin legal systems.

2. Where was that stooped and mealy -- colored old man I used to call Poppa when the merry-go-round broke down?

PART II

Rap with the Dean (any of them) for approximately one hour about why you feel this course should not be graded pass/fail. As usual clarity and conciseness will be given primary weight (ie it's not what you say that counts, but how you say it).

ENVIRONMENTAL LAW EXAM
Professor Brooks

Calvert Cliffs has maintained a beautiful, secluded cove for private nude swimming on the south coast of California named Coptic Cove for 15 years. The cove has been in the family for generations, and Calvert had recently gone into debt to build weekend cottages, bath houses and generally make the cove an elite, expensive place to vacation in nude delight. Business was booming in 1978. In late 1978 the Southern Baptist Church completed an elaborate church building on the hill overlooking Coptic Cove with the express purpose of making it a national worshipping shrine with daily services. In 1979 the Nuclear Bungleatory Commission licensed the Death Valley Power Company to construct a nuclear facility on San Andreas Gulch, 300 yards northeast of Coptic Cove.

In 1979 the state completed construction of an innovative whale farm -- a new concept in the study of the migrating habits of whales -- just north of Coptic Cove. Three whales have already beached themselves and died in Coptic Cove, causing cancellation of several reservations.

Discuss all possible environmental claims of all parties under all systems. Present a comprehensive Coasian economic analysis of all issues. Draft an EIS of all appropriate aspects and circulate it for comment throughout the class. Your exam will not be considered complete without input from three Regional Planning Commissions, the Federal Agency on Paperwork and the Southwest River Basins Commission. Once you show up (if you do) do not leave the room for any reason during the exam.

BASKETBALL STANDINGS

(1) Eaton	3-0
(3) Donohue	3-0
(5) Cameron	2-0
(7) Judd	2-1
(9) Lynch	2-1
(11) Gugerty	1-1
(6) Burcat	1-1
(4) Schneider	1-2
(10) Reed	1-2
(12) Bullard	0-2
(2) Westerman	0-3
(8) Potts	0-3

REAL ESTATE

Prof. Crampton

1. Construct a plan which will enable you to purchase all the real estate in South Royalton using as little cash as possible. Secure the necessary licenses, financing and contracts for establishing each of the following;

a) world trade center; b) culinary arts school; c) utopian playground; d) ICBM control center; e) young girls' and boys' finishing school; f) cotton plantation and g) commando training range. Distinguish the problems you might encounter in each of the above. Discuss the effect of each development on the student parking problem.

2. Obtain a mortgage in the amount of \$1 million. You will receive 10 points if the property you mortgage is worth less than \$1 million. You will lose 10 points if the property is worth more than \$1 million. You will get an A on this exam if you have no property. I get the \$1 million.

3. You have done a title search on VLS property. List in order of priority in the event of foreclosure the following liens: \$600,000 mortgage held by Throw Away Investment Co.; \$135,000 judgment held by Zonka's II; 1000 pounds freeze dried lean beef; \$10 parking fee; 25 year \$25 construction loan; \$400,000 tax loss.

4. Finish the following in 25 words or less: "I like real estate because..."

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FOX STAND INN

1 MILE EAST OF INTERSTATE 89, EXIT 3, ON VERMONT 14

IN ROYALTON, VT. 05063
EDWIN & PAULINE GAST

LUNCHEON BUFFET

\$3.00

(soup, salad, make-your-own sandwiches, beverage)

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Open Tuesday - Saturday
Lunch - 11:30 a.m. - 1:30 p.m.
Dinner - 6 p.m. - 9 p.m.
Open Sunday for dinner 12 - 5 p.m.

CLOSED MONDAY

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Frocco on Sports

QB VII, UNDERDOGS CO-CHAMPS

In a contest that lived up to every expectation, the league's two best teams battled to an 18-18 tie on Nov. 6 to share top honors in VLS flag football. QB VII finished with a 6-1-1 record overall, winning its second consecutive championship, while the Underdogs went undefeated with a 6-0-1 record. It was the Underdogs' first championship.

QB VII drew first blood on its second possession as HB Fred Sciuilli took a flare pass 50 yards for a score. Underdogs retaliated with a 30-yard scamper by HB Bill Romaine that tied the score.

After a few possession exchanges, Chris Reis caught a 60 yard pass from QB Greg Romano. On its next possession, QB VII culminated a long drive with a 3 yard Romano run behind the superb blocking of "burly" Bob Reis to put QB VII ahead at half-time, 18-6. The Underdogs were not to be denied, as QB Steve Parody scrambled across the goal line from 5 yards out after an impressive drive. Both defenses dug in until the final moments of play. With 1:30 remaining in the game, Steve Parody rolled right from QB VII's 25-yard line under a fierce rush by Tim Reis and Adam Schneider

Spotting Paul Ward, Parody barely got the ball away and hit Paul at the goal line for the tying score.

The conversion failed, and the game ended due to darkness. Stellar defensive performances were turned in by Adam "oooh" Schneider and Bob Reis for QB VII and by Emmet Crehan and John Speer on Underdogs. The game was a tribute to brutal play combined with commendable sportsmanship.

The Commissioner would like to thank all those who participated in and supported the league. Special thanks to those few with the courage and patience to officiate a bunch of babbling future lawyers.

Jim Marshall's

THE INN of COURT

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Closed Wed. evenings and Sundays

Reservations
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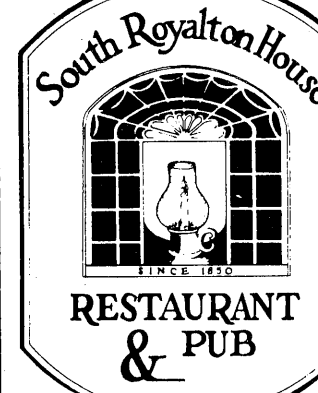
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Serving Lunch & Dinner Daily

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Special Sunday Brunch

PANCAKES & COFFEE
(all you can eat)

\$2.50

12 - 2:30

Exciting Continental Menu in a Relaxed Setting.

ENTERTAINMENT

Friday, Dec. 7 - Paula Gills
Saturday, Dec. 15 - Jimmy Stowe
Friday, Dec. 21 - Neiderhouser & Lasagne

NEWS FOR THE FINANCIAL AID OFFICE

WORK-STUDY: The library is looking for workers for second semester. If your present job will be ending soon, now would be a good time to sign up for the library. They also need students this term for the following hours: Mon 8-11 a.m., Tues. 8-6, Wednesday 8-11 and 1 - 6, Thurs 1 - 5, Friday 1 - 5. Mr. Kellogg needs students who can type to help with a project for a few weeks. He would like someone as soon as possible but after exams would be all right.

The Financial Aid Committee is looking for a second year student to serve on the committee this year and next. You do not have to be receiving financial aid to serve on the Committee. Please see Mary Swartz for further information if you are interested. Student members of the Financial Aid Committee are appointed by the SBA Board of Governors.

A list of POTENTIAL GRANTS AND LOANS through outside agencies is now available in the Financial Aid Office.

FINANCIAL AID APPLICATIONS FOR 1980-81 are now available in the financial Aid/Business Office. The deadline for filing is February 15, 1980. Applicants for National Direct Student Loan or College Work-Study MUST file both a GAPSFAS AND a VLS form. Students who will only be applying for an Insured Student Loan through their banks are only required to complete a VLS form, but it is strongly recommended that the GAPSFAS also be completed;

The U.S. Office of Education requires that schools verify all estimated family income data on student aid applications (GAPSFAS) that are SUBMITTED BEFORE JANUARY 1, 1980.

File your tax returns early!

CLASSIFIEDS

FOR SALE: Downhill skis and men's size 10 boots. \$25 total. Ed Lopacki, '80, 763-8111.

YEARBOOK "Res Ipsa..." T-shirts for sale, \$5.00.

Special Early Bird Offer
Buy yearbooks now for \$6.75. (Put a note in C. Colyer's box.)

PERSONALS

WANTED: A few good men and a cruise missile. Ready to straighten out the Iranian situation.
J. Birch Potts

MARK: Heard you're going into the laundry business. Pam.

E.: Very, very, very interesting.

WANTED: Neck brace and oral fly paper. Contact M. Seibert immediately.

WANTED: Any uneaten delicacies. Chocolate roll preferred. Nugatory Fat Fred the Pachyderm.

WANTED: Shiny sleek Astro-car with retro rocket boosters and fuzzi buster in good condition. Contact Cannonball Kaeser.

DONNA: I could have danced all night.

DOT: I could have drunk all night.

TO SLATER HOUSE: Thanks for the social event of the season. Beer cheese soup? Who were all those people?

C.B.: Two points for the women!