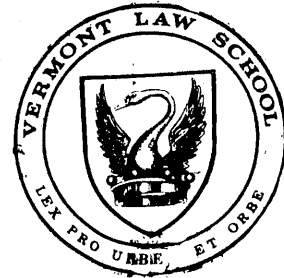


# Vermont Law School FORUM

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## TENURE

by Bob Walker

"In its technical sense, the word ["Tenure"] means the manner whereby lands or tenements are holden ... The word is also used as signifying the estate in the land." *Ballentine's Law Dictionary*, 3rd ed., 1266. From the Latin *Tenere*, the word was first used in English law by Stubbs in 1442 to denote the action or fact of holding a tenement. Blackstone used the term to describe the relations, rights and duties of the tenant to the landlord. Swift used the term in 1871 in the sense herein at issue: "The office of a favourite hath a very uncertain tenure."

Perhaps Potso Stewart wasn't so far off the mark, then, when he tautologically delivered the opinion of the Court that an untenured professor at Oshkosh, having not been rehired at the end of his one year contract, had no right under the due process clause to either a hearing or a statement on reasons for not being rehired: "To have a property interest in a benefit a person clearly must have more than an abstract need or desire for it. He must have more than a unilateral expectation of it. He must, instead,

have a legitimate claim of entitlement to it." (i.e., To have a property interest a person has to have a property interest.) *Board of Regents v. Roth*, 408 U.S. 564 (1974).

Around here, the way tenure works, in general, is that one gets one's self hired for a two year period as an assistant professor. At the end of the first year, one either gets rehired for another two years or goes fishin'. Draw the green light, and move up to associate professor. The next rehiring decision is at the end of the third year, i.e. with one year to go on the second contract, and it is also for a two year period.

At the end of the fifth year comes the tenure decision ("But wait," you say, "I've been here longer than/the same time as/only a year less than a certain facultyite who was tenured recently, and one isn't five." "Just hold on," the writer replies, "it'll become clear to you long before you get quasi in rem jurisdiction figured out.") Make the cut, call yourself Professor, and job insecurities are reduced to question of just cause, such as

illegal or immoral acts, or the closing out of an academic department (the Dean said it, I just wrote it down, forgetting to ask whether there are any such animals here) or plain old "financial straits."

Don't make the cut, and as a general rule, it's time to dust off the resume.

(Astute observers will note that whenever a contract is not renewed, there's a year of employment left before the spectre of unemployment.)

The other alternative at the end of the fifth year is for a two year contract renewal and deferral of the tenure decision, at the request, in theory, of the faculty member. Mr. Shreve and Mr. Firestone are said by the Dean to be recipients of such deferrals.

Getting back to this end of five years business, who said the five years have to all be spent here, eh? I didn't, the Dean didn't, and the Faculty Handbook doesn't say it either. "[T]he maximum period within which a tenure decision must be made shall be five years, including within this period full-time service on the faculty at ABA-accredited American law schools.

\* \*Credit may also be given for part-time teaching ..." etc. Vermont Law School Faculty Handbook, September 1, 1979, at 12-13.

Of the four tenured faculty members, two, Mr. Knauss and Mr. Brooks toiled the requisite time in other vineyards. If memory serves as to when Mr. McCrory and Mr. Teachout were tenured, consultation with the school catalogue suggests that they earned "partial credit" elsewhere. The amount of credit received for other than full-time teaching elsewhere is subject to negotiation at the time one is "called to Vermont Law School."

The tenure decision, that is "appointment without term" is made by the Committee on Faculty Retention and Tenure ["CFRT."] However "Anything in this document notwithstanding, it is the policy of the Board of Trustees that appointments without term shall require the approval of the Board." Faculty Handbook, *supra*, at 15.

The CFRT is made up of all the tenured faculty and the Dean. (No, the Dean isn't tenured. I didn't ask if he waits for the phone to ring every two years. Apparently the Dean is something of a rebel on this point, as the ABA feels that Deans should be tenured as faculty.) Dean Debevoise said that the Trustees' decision is based on the CFRT's recommendation and on his separate recommendation.

There are four criteria for the granting of tenure. "Demonstrated competence in classroom teaching is the most significant criterion for the granting of tenure, and unless it is satisfied, tenure shall not be granted." Faculty Handbook, at 13-14. Student opinion on the question of competence must be

solicited by the CFRT in all cases of reappointment, with or without term. Not only is student opinion solicited through the student evaluations, but also, it actually plays a role in making the decision, according to the Dean.

The three other tenure criteria are: significant contributions to legal research and writing, service to the law school and its administration, and service to the legal profession or to the local, state, and national communities. These three criteria "have equal importance and shall be applied on a selective basis in the evaluation of particular faculty members." Faculty Handbook, at 14.

The legal research and writing requirement is also known as the "publish or perish" rule. Two rationales exist for this requirement. First, because effective teaching "requires an atmosphere of scholarship and creativity, the law school expects its faculty members to maintain a focus of professional interest and encourages them to achieve professional recognition." Faculty Handbook at 8. Second, as the Dean pointed out, faculty members weren't getting paid just to present themselves in front of a class room several hours a week. The salary is, in part, for legal research and scholarly contributions.

One question as to the "publishing" requirement is whether it is, in fact an absolute requirement for tenure, that is, must it always be met? As noted above, the "publishing" criterion, as well as the other "secondary" criteria, is to be "applied on a selective basis." The use of the term "selective basis" implies that these are not absolute requirements and that any of the three could be by-passed in an appropriate case. On the other hand, at one point the Faculty handbook refers to the legal research and writing criterion as "this requirement." Faculty Handbook, at 14.

A second question as to the "publishing" criterion is how it might be met. The prevailing view in legal academia is said to be that law review articles or books are the only ways to meet such a criterion. The Faculty Handbook seems to take a broader view point. At two places it says: "While this requirement will normally be satisfied through the publication of books or articles in legal periodicals, it may also be satisfied by applied research or research which provides a significant service to the public or to the legal profession even though the product is not published in the conventional sense." Faculty Handbook, at 8 and 14.

There are indications, however, that the CFRT has not followed the lead of the Handbook. At the time Mr. Firestone was up for tenure, he was told that he would not receive it because he had not written or published any Law Review articles.

He does, however, offer seminars such as national seminars on environmental law at the N.Y.U. School of Continuing Education. Assuming that such activities are

based on, and entail, a degree of research, it would appear that such activities would fall under either the rubric of "applied research" (whatever that may mean), or that of "research which provides a significant service to the public or the legal profession."

In the period of deferral from the formal tenure decision, Mr. Firestone has not published any law review articles or other traditional publications: "I don't believe it necessary for every person who gets tenure to publish in the standard academic way, to wit, law review articles and similar publications."

Because he is up for reconsideration for tenure this coming spring, the question will soon be answered as to whether the CRFT will liberally construe the publication criterion, or will narrowly construe it in a sense contrary to the spirit, if not the letter, of the Faculty Handbook.

Although Mr. Shreve did not feel that he could comment on questions of tenure at this time, it would appear that the publication criterion did not play a role in the deferral of his tenure decision last spring. Perusal of the Reader's Guide discloses six published articles which would seem to meet the most narrow construction of the publication criterion:

*Book Review, "Law, Intellect and Education By Francis A. Allen," 33 Vand. L. Rev. 822 (1980); "Questioning Intervention of Right -- Toward a New Methodology of Decision Making," 74 Nw. U.L. Rev. 894 (1980); Book Review, "Lawyers, Law Students and People" by Thomas L. Shafer and Robert S. Redmount, 52 So. Cal. L. Rev. 259 (1978); "Classroom Litigation in the First Semester of Law School -- An Approach to Teaching Legal Method at Harvard," 29 J. Legal Ed. 95 (1977); "Federal Doctrines in Avoidance of Adjudication: Exhaustion, Abstention and the Anti-Injunction Statute," 6 Clearinghouse Review 28 (1972); "Interstate Rendition: Rights and Remedies of the Accused Seeking Asylum in Massachusetts," 54 Mass. Law Quarterly 242 (1969).*

There are few, if any, indications of how the other two criteria are applied in making the tenure decision.

Student impact on or participation in the tenure decision is apparently limited to the evaluation forms filled out at the end of each semester. The impact of tenure decisions on the student body is as real, however, as that on the individual faculty member and on the school itself: "Effective teaching, which requires the mastery of an intellectual discipline together with enthusiasm and skill in communication, is the primary, indispensable, [sic] function of every member of the faculty." Faculty Handbook, at 8.

And that's the way it is.

## VLS Counseling Service Almost A Reality

by Bonnie Helm

Not long ago, I found myself walking home for lunch — as I ordinarily do. But this was not an ordinary day. There were tears streaming down my face; I was drowning in an abyss of loneliness and despair, experiencing feelings of failure and rejection. I was a stranger in an alien world. About to cross the tracks, through a fog of sobs, I heard the whistle which warned me to get my act together — the Montrealer was not going to wait for me!

Not an ordinary day? — but it was. Days like this are not so uncommon, for me or probably for you (minus the train episode). What had happened? — not so important; only the after effects were important — how was I going to cope? All I really wanted to do was catch a plane out of here — to leave law school forever, to get out of this trap, to return to a world of real people and real work — back to everything that I could not recognize existed in SoRo that particular day.

What did I do? No, I did not hop a plane — too much perseverance (stubbornness or stupidity!). No, I did not turn to friends — they have their own problems. No, I did not turn to a professor — I was already suffering from enough feelings of failure, I did not need more. No, I did not turn to a loved one, I am alone here. No, I did not get drunk — that only works once or twice before it becomes self-destructive, and I'd used up my allotment. Oh

sure, I made some long distance calls — Texas, Colorado, South Dakota — but at 3:30 in the afternoon, all I really accomplished, without the in-person affection and empathy, was an additional financial burden.

Sound familiar? Essentially, I did what most of us do — cope as best I could, by myself and in silence. But it does not have to be that way much longer. The VLS Counseling Service will soon be a reality.

When I contacted the administrators at the Orange County Mental Health Center in Randolph concerning the possibility of extending their services to VLS, they were excited. They are committed to providing services as soon as VLS can provide them with office space and telephone service. Dean Debevoise has, in return, committed the use of his old office in Abbott House as soon as his official belongings have been moved into Whitcomb House.

Initially, counseling services will be provided one afternoon and evening a week. Fees will be charged on sliding scale according to the student's ability to pay starting at \$3.00 per hour. Most students will probably qualify for Medicaid, in which case, there will be no charge to the student at all. Services and hours will be increased as the demand requires.

More detailed information will be provided as soon as the service is ready to become operable.

## From the Editors

### Frightened and Devastated

*The choice between the inept and the scary has been made, and our nation has opted for the latter. There is hope the old man from California will surround himself with intelligent advisors. There is hope the realities of the oval office will pull him more to the middle from the right-wing stance. We HOPE this is true.*

*Perhaps the most frightening result of Tuesday's election was the devastating effect of the Moral Majority on their "targeted" liberals such as George McGovern, Birch Bayh, Frank Church and Talmadge. It was awesome. They have disgorged the Senate of important strongholds of liberal thought. No matter what your political position, concern is imperative. Even if you consider yourself right-wing and like the results, at least question the means.*

*The Moral Majority has sought to influence the choice of political candidates not by endorsing those they believe in, rather by attacking the opposition. They have had tremendous influence because of access to the media. The evangelical shows espousing right-wing thought as God's way reach millions of Americans. Those millions of Americans donate millions of dollars to support those God-sponsored politicians. Those millions of dollars buy the political propaganda, and keep the evangelists on the air espousing right-wing thought as God's way... This is the American way to some extent, but the two-fold impact of television and God is dangerous. It gives the Moral Majority an unfair advantage: strength they would not have without the media's influence. Hitler nearly took control of Europe. Had he had the power of modern mass communication systems...*

*Separation of church and state has always been considered good practice because of the inherent fanatical adherence to religious beliefs. When the religious beliefs are equated with political ideology, the "inherent fanatical adherence" attaches to the ideology. Intrinsic in this "inherent fanatical adherence" is the stubborn refusal to entertain other ideas i.e. a forthright narrowmindedness which precludes thoughtful decision. The result is large numbers of people vote for a candidate because their religion tells them to, not because of any reasoned judgment. When that religion is television evangelism, God help us!*

#### VERMONT LAW SCHOOL FORUM

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*The FORUM is published by the efforts of VLS students as a community service. All letters to the Editor should be sent to: VLS FORUM, Vermont Law School, South Royalton, Vermont 05068. The opinions expressed in the editorials are those of the editors. The opinions expressed in articles or cartoons are those of the individual writers or artists.*

## Letters to the Editor

*It is the policy of the Forum to publish all letters received provided the writer identifies himself. Names will be withheld upon request.*

### Drinking

An open letter to Vermont Law School

The Student Bar Association at Vermont Law School is a body without a clearly defined role or function. As a result, neither the S.B.A. nor the students know what the S.B.A. should be doing. Two major issues have emerged as by-products of what is perceived as a drinking problem at school, and these issues — clarifying the purpose of the S.B.A. and identifying the criteria that should be used in making budgeting decisions — will be outlined here in the context of the problem. The views expressed here are those of some of the members of the VLS community and are not necessarily those of the SBA or its members.

The SBA should be seeking to provide alternatives in the way of entertainment for the students it represents. As a body with more clout, manpower, and funding than individuals and ad hoc committees, it can accomplish things smaller groups can not within reason. Movies, lectures, and forums are examples of the type of activity the SBA should be sponsoring. They are all activities which cannot be found within easy access (the access of Hanover to one without a car is problematical), and they are activities which most members of our community would have difficulty providing for themselves. In addition, they are of interest to a substantial part of our community.

The majority of VLS students probably support the SBA policy of providing ample alcohol at frequent intervals. Nevertheless, "the keg" as an SBA event leaves a lot to be desired. Unless one believes that the majority is always right, it is not difficult to formulate objections. Not only are parties easily and frequently thrown by individuals, houses, etc., but a survey of South Royalton discloses that liquor is available at non-school oriented establishments. If there is one thing the SBA does not need to do, it is to provide a way to get drunk.

Which is not to say that we must all become teetotalers. Unless it were decided that refreshments of any sort were not a legitimate expenditure, there is no reason why people could not have what they like within cost and legal restrictions. Attempts should be made to ensure that the refreshments do not effectually overrun the activity they are providing a refreshment for. In all cases, refreshments should consume a minimal portion of the SBA budget. Furthermore, in the interests of those who do not choose to become intoxicated, areas and functions set up for public use by the SBA should be designed "drinking in moderation only."

The SBA controls a large amount of money and has the burden of keeping a diverse student body happy. Both duties involve a great deal of responsibility. Decision making is not an easy process, and the more power wielded by the decision-makers, the more thought should be put into the decisions. The SBA is taking advantage of two "easy escapes" to avoid their responsibilities. The first is the old standby: the majority rules. This merely squelches opposition. The majority is not necessarily right; they're just most. If one is interested in numbers, there is probably a mandate for the prevalence of alcohol. If those elusive qualities "equality," "fairness," or the like have any persuasive appeal, more is needed than a count of hands.

The second escape is the desperation "Well, what else is there?" There are answers and they need to be solicited. If the SBA really can not think of any purposes for its money instead of buying beer, the money could be put in a bank to earn interest until ideas are presented. Or it could be given to the library to buy books or to the administration to be used as scholarship or recruitment funding, or for any other purpose that would enable a growing institution to become a first-rate one. Lack of imagination should not be allowed to justify neglect of responsibility.

Law school and Vermont Law School in particular are only going to be what we make them. We should all be considering our long and short range objectives in being here. If the statements presented in this article are of concern to you, it is urged that you attend the next meeting of the SBA where they will be discussed in greater depth.

--Seth Berner '83

### Spading

TO THE FORUM:

It has come to the attention of both the VLS library staff and the Vermont Law Review members that some students are resentful of what they regard as the law review's unfair use of the library. Their major concern seems to be the manner in which the law review "spading" exercises are conducted.

Spading is an essential part of the editing process. It entails a check, for both substantive and technical accuracy, of every citation a writer includes in a paper. Spading requires that all books and material used by a writer be pulled from the shelves and collected in one central area for a few days. The process also requires some conversation, as spaders work in pairs and must discuss the relevance and accuracy of citations.

In past years, the area designated by the library staff as the spading area was the alcove at the top of the stairway to the balconies. After some discussion this year, it was mutually agreed that this is still the best place. The alcove is one of the more isolated spots in the library. At the same time, it is centrally located, and this facilitates both the collection and reshelving of books by law review members and the finding of needed books by other students.

The spading of a long article may require that anywhere from one hundred to two hundred books be kept in the spading area for a few days. The law review has made efforts to keep the time allowed for a spading assignment to a minimum and to insure that all books are reshelved as soon as the last group is done spading. Plans are now being made to set up a system to indicate which books not on the shelves may be found in the spading area. This system will require law review members to place markers on the shelves wherever books have been removed.

It is important to remember that any law school's reputation is based, at least in part, on the quality of the legal journal produced by that institution. To produce a quality journal, a law review needs support from the law school community. In recognition of the fact that library facilities are limited, efforts are being made by both the library staff and law review to keep inconvenience for other students at a minimum. Suggestions for additional ways of minimizing problems would be welcome and appreciated.

Susanne Richardson  
Editor-in-Chief  
Vermont Law Review  
W. Leslie Peat  
Librarian

## and Parking

An open letter to the school community:

### WARNING

Pursuant to the town parking ordinance, overnight parking will not be allowed on the streets of the village of South Royalton starting November 1st. So the streets are to be free of cars from 11 p.m. to 7 a.m. every night. The Town Selectmen tell me that violating vehicles can expect to be towed away.

The purpose of this ordinance is to facilitate snow removal. Soon, the snow will be returning and the snowplows will resume their work. Clearly, cars parked on the street interfere seriously with that task.

Traditionally, in South Royalton, autumn is deer hunting season, foliage season and parking problem season. Perhaps, as to this last, this fall has been a better one than usual. Certainly, I have received far less complaints about the parking situation on the Green than in the previous two years. Maybe we are learning something. I hope so.

Still, the problem has not left us and, with the return of the snow, we will need to maintain our good record even more. Try to remember that, for many people who visit the village for business or to attend various social functions, there is no place to park except around the Green. The parking places across from the church are especially needed by senior citizens, many of whom have real difficulty walking very far. The coming snow and ice will aggravate this problem. We, on the other hand, have plenty of parking space in our three parking lots. Most of us are quite able to walk. Let's be good neighbors. Try not to park on the Green. The townspeople will really appreciate it.

Sincerely,  
Bob Jackson  
Town Liaison

## Placement Corner

Of interest to third-year students AND graduates: The Windham County State's Attorneys Office, P.O. Box 785, Brattleboro, Vt. 05301, anticipates the need for a Deputy State's Attorney late next spring. Primarily interested in someone who has completed at least half, if not all, of the Vermont clerkship requirement. Contact John A. Rocray, Windham County State's Attorney.

Vermont Legal Aid of Rutland has immediate opening for someone admitted to the Vermont Bar. Contact Sam Farrington, 802-775-0021.

Second-year students: application deadline for the U.S. Department of Justice Summer Intern Program is November 15.

Second-year students: U.S. Attorney's Office in Burlington is looking for a paralegal for next summer as well as a work-study student for their Rutland office. Application deadline is not until January.

Dean Debevoise will give a presentation regarding the types of work lawyers handle while working for state and federal governments. Dean Debevoise has been Assistant U.S. Attorney for the Southern District of New York, Deputy Attorney General and Attorney General for Vermont, and Assistant General Counsel for the Federal Power Commission.

The meeting will take place on Wednesday, November 19, at 5:00 p.m. in the Auditorium. All students are encouraged to attend.

# Environmental Report Solar Energy In Vermont by Philip K. Dodd

Solar energy is making it in Vermont. Praised for years as pollution- and embargo-free, solar energy is finally catching on here for another reason: economics. High fossil fuel prices are causing many people to take a look at solar, and an increasing number are finding that government incentives and advancing technology have made solar a cost-effective, efficient way to heat buildings and water.

Proof of this growth is found in two Vermont Energy Office publications. First, the Energy Office yearly inventory of solar installations in the state shows exponential growth from 1974, when four solar sites went into operation, to 1979, when 362 solar installations were completed. Second, the Energy Office directory of Vermont solar companies has grown from 31 listings in 1978 to a 125 in 1980.

The solar "boom" is even evident in Royalton, where a solar-heated addition to the Law School's faculty office building was completed this year and where Green Mountain Homes manufactures solar houses at the rate of 50 per year. The 12-person firm, located near Exit 3 of I-89, sells its component homes as far away as Kansas and Iowa.

All of this increased solar activity is taking place despite widespread skepticism about the availability of solar energy in Vermont. A poll taken in the Burlington area recently found that most people thought Vermont was too cloudy and cold to

make solar energy feasible.

In fact, high fuel prices and the long heating season make solar a better investment here than in some other parts of the country, at least for space heating. Some of the coldest days of the year are bright and sunny, and snow cover enables a solar building to pick up extra solar energy via reflection.

Using the sun's idea is not a brand new idea in Vermont. Many of the state's early settlers oriented their homes to the south to take advantage of the sun's warmth, and generations of Vermonters have made use of an ingenious solar clothes dryer known as the clothesline. A book published in the 1940's entitled "The Solar Home" includes plans for a solar house specifically designed for Vermont.

Today's solar systems are of two major types: active, meaning systems that include pumps or fans and use heat storage materials such as water or rock, and passive, which means there are no "moving parts" and the system relies on natural convection and radiation.

The systems are used for either space heating or heating of water for domestic use. Widespread generation of electricity with photovoltaic cells is still several years away.

Active systems for heating hot water are the most popular solar installations, due in part to a federal program which had offered \$400 grants to those willing to install the systems. These systems

usually include from two to four manufactured solar panels, pipes, a pump and a special water tank. The panels contain copper coils on a black background and are covered by glass. An antifreeze solution runs through the panels and then through a coil in the tank, where it transfers heat to the surrounding water.

If factory-built panels are professionally installed, the system can cost over \$3,000. It will provide about 50 percent of the average family's demand for hot water over a one year period, with greater efficiency in the summer when the sun is strongest here. The systems have a life expectancy of 20 to 30 years.

Less costly systems for heating water do exist, however. These include site-built panel systems and the even cheaper batch heater, which consists of a water tank, usually painted black, that pre-heats water before it is piped into a conventional water heater. Some of the simpler systems are based on years of experience: at the turn of the century, almost one out of three homes in Southern California was equipped with a solar hot water heater.

Solar space heating includes an even greater variety of techniques and concepts. Passive systems are probably the most common and require the least up-front cost. They range from the simple south-facing window, which gains more heat from the sun than it loses to the cold outside, to exotic structures filled with thermal mass to absorb and retain solar heat.

Solar greenhouses, double-walled "envelope houses," thermosiphon air panels, window boxes, direct gain systems, and trombe walls are among the solar concepts relying on passive solar heating, in which sunlight passes through glass or clear plastic and either strikes storage materials directly or heats up the inside air, which rises and draws cool air to the sunlit area.

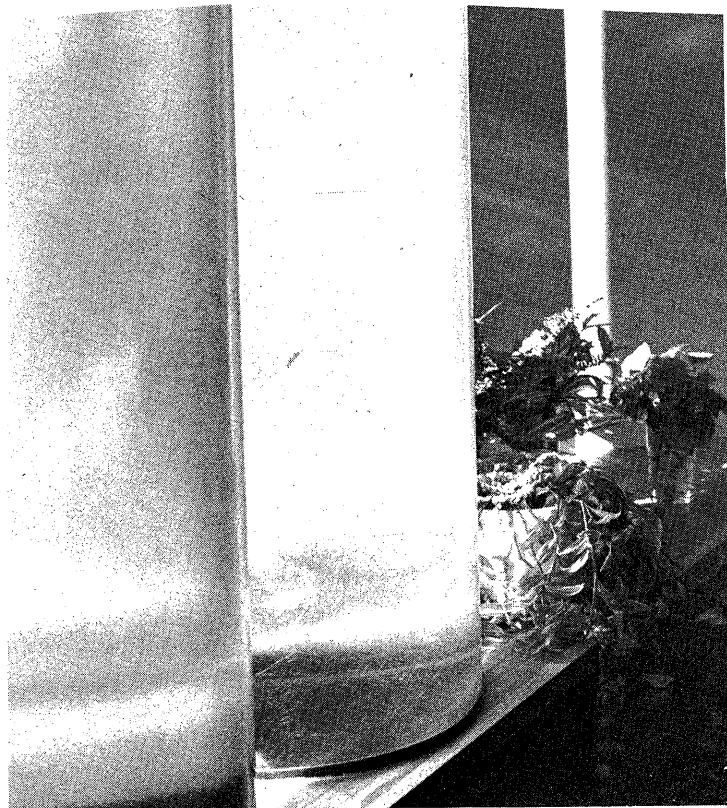
A passive system integrated into a new house can provide between 30 and 60 percent of the house's heating demand, often at little or no extra cost. Proponents of active space heating systems—which are not common in Vermont—say that a combination of active and passive systems could provide a Vermont house with over 75 percent of its heating demand.

Most active systems use panels to heat a liquid which is then circulated to a holding tank. Heat can then be transferred to the house as needed through radiators or a radiant slab heating system. Active systems are not widely used in Vermont, partly because some of the early systems built in the early seventies had technical problems.

The growth of solar energy use in Vermont is due to some factors other than the high price of other fuels. State and federal governments have created incentives for use of solar energy to help it compete against other heavily-subsidized, centralized energy sources.

According to Arnold Wallenstein, an attorney with the Northeast Solar Energy Center who spoke at Vermont Law School last summer, the cost of federal energy incentives between 1918 and 1977 ranged from \$9.7 billion for coal to \$18 billion for nuclear energy to \$101.3 billion for oil. "Accelerated commercialization of solar energy will require either substantial government subsidies, or modified federal incentives and patterns of spending, so that all energy sources can compete on an equal basis," he said.

The largest solar incentive in place today is the income tax credit offered by the federal government and some states, including Vermont. The federal tax credit—which applies only to active



systems—allows a homeowner to subtract 40 percent of the first \$10,000 spent on the solar system from his tax bill. Vermont permits the homeowner to take a tax credit of 25 percent on the first \$4,000 spent on any type of solar system.

Thus, in some cases, 65 percent of the cost of a solar system may be returned to the purchaser through tax credits. The federal tax credit applies to solar systems installed before Dec. 31, 1985. Vermont's credit applies to systems that go into operation before July 1, 1983. It is too early to tell whether either credit will be extended.

Further federal help is on the way in the form of a Solar and Energy Conservation Bank recently approved by Congress. The bank will provide subsidized loans to persons making solar and conservation improvements. Eligibility for loans will depend in part on the income of the borrower.

Vermont has passed two other bills affecting solar energy. One allows local communities to exempt renewable energy systems from local property taxes. Only 39 towns have adopted this practice. The other bill exempts windmills and rooftop collectors from height restrictions under certain conditions and

permits towns to change local zoning and subdivision laws to encourage use of solar energy.

The extent to which zoning can address solar energy problems is illustrated by the zoning regulations of Davis, California. In the town, subdivisions are required to maximize the number of east-west roads so that as many houses as possible have access to sunlight, the location of trees is controlled, and houses on the north sides of streets are required to have backyards large enough to ensure solar exposure for homes fronting the south side of the street.

Whether the switch to solar in Vermont is taking place because of high fuel prices or government laws and incentives is hard to determine. Without a doubt, though, another factor in solar's growth is the satisfaction which can come from using a clean, endless energy source.

The aesthetic aspect of solar energy is captured in a Vermont Energy Office slide show entitled "Living in the Sun" which is tentatively scheduled to be shown next Tuesday, Nov. 11, at 12:20 in the third-floor auditorium. The 40-minute show examines and explains many space heating solar systems in operation in Vermont.

## This Is Your Law

The electoral college system has been around since the inception of our nation. The question is why? Initially it derived from a mistrust of the voters and some sort of compromise between the large and small states. The justifications are lost in my memory, and probably lost in time. The statistics of the presidential election reflect the dangers of our system. Reagan received 50% of the popular vote yet received 89% of the electoral votes. Conceivably a president could be elected without winning the popular vote. In fact a presidential candidate need only win the 11 most populous states by one vote to be elected.

How does the concept of democracy with the cornerstone of

"one man, one vote" fill into such a plan. A republican vote in a democratic state is a lost vote as is the reverse situation. A vote for a candidate not one of the two major-party-candidates doesn't register on the electoral level. The "one man, one vote" concept does not hold up in the reality of the electoral college system.

Our country is founded on democracy. Democracy is founded on representative government where every person may cast a vote to elect the representative of their choice. Strange it seems that for the most important elected position in our nation we employ a system which undermines the cornerstone of our democracy.

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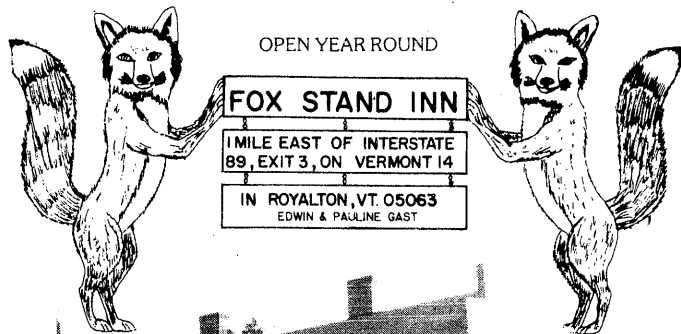
Dinners served 6 - 9 Mon. thru Sat.  
*(Sorry we're closed Wednesday nights)*

**Jefferson's Market**

Rte. 14 in Royalton

*"You can't beat our meat."*

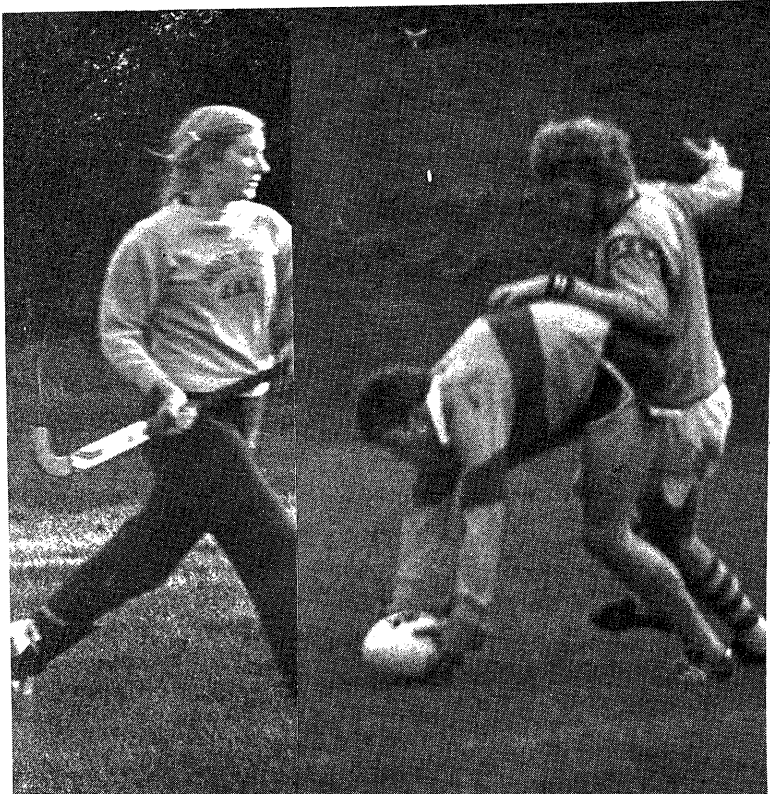
Featuring fresh pork, western steer,  
and filleted and shell fish.



Lunch 11:30 - 1:30  
Dinner 6:00 - 9:00  
Sunday Buffet - 10% discount with ID after 3:30  
Closed Monday

# Scribs on Sports

By Mark Scribner



This week's article will be short and sweet since I have little time to write due to other activities which keep popping up. I also don't have much heart to write, as a result of the depressing election results coming in tonight. In the typical explanation of a sportswriter, however, I blame Reagan's victory on the same misguided people who root for the Yankees.

The advent of a VLS field hockey team came to pass last week when our brave, but out-manned (out-womaned?) charges took the field in the Rutland area to play Castleton State. Despite the efforts of the twenty or so women representing the law school, Castleton "edged" VLS 13-0. Nevertheless, the VLS squad enjoyed the experience, and immediately sought other competition. When none was forthcoming, the hockey players challenged the Rugby Club to a fully refereed contest, complete with liquid refreshment for the post-game party.

The game, played last Thursday before an enthusiastic crowd, pitted the experienced finesse of the field hockey team against the

untapped field hockey skills of the burly rugby players. These skills, along with the Keg, didn't stay untapped for too long, as the better conditioned ruggers outlasted the determined women 2-0. Utilizing their superior speed, the ruggers scored a goal each half off the sticks of Tom "Don't call me Scooter" Rizzuto and Mark "He must really be vain to put his own name in the article" Scribner.

The Rugby Club received an emotional lift by the presence of Doc Donohue, who effectively returned to active athletic participation after a six-month hiatus. Although the field hockey team failed to take a shot on goal, their inspired defensive play prevented the more aggressive ruggers from dominating the match. Carole Wolff, Ellen Young, Lisa Kaeser, Tara Anderson, and Patricia Cilley consistently stole the ball from their bigger opponents. The instant, natural rivalry may continue next semester if the field hockey players decide to accept the challenge of a rugby game return match.

Tuning up for its field hockey win, the Rugby Club scored twice late in the second half to defeat Middlebury College the Saturday before. Led by the outstanding play of the entire scrum and the flawless tackling ability of fly half John "Where have you been" Riley, the ruggers overcame a sluggish start due in large part to awful weather conditions. Tries were scored by Dave "I guess wing forward's my best position" Sprague and Chris "What Knock-on" Ekman.

Finally, the VLS hoop season gets underway this week with six games on tap at South Royalton High School. The eleven-team circuit promises to provide plenty of excitement, exercise, and competition. Please try and cooperate with the very reasonable guidelines the high school has set up regarding the gym facility (i.e., wipe off your shoes when entering the building; no smoking inside), especially since much construction work and repair has recently been done to the facility.

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## Financial Aid

There seem to be a few rumors flying around concerning the changes in Federal financial aid programs as a result of the Higher Education Amendment of 1980. The following is an attempt to clarify the situation.

Although the bill was signed into law on October 3rd, there are many areas of confusion that may not be cleared up for some time, at least until the regulations are published in the Federal Register and probably after that. There are some pretty drastic changes to the system, so expect confusion on the part of banks, state loan guarantee agencies, the U.S. Department of Education, and our financial aid office. Have patience. Please feel free to come see me about any questions you might have — I'll do my best to answer them.

The changes make more students eligible for federal financial aid (although that doesn't mean that the government will give VLS, or any other school, enough money to fund the additional students), so if you have not applied in the past because you didn't think you would be eligible, fill out a GAPSAS this year — you may be. Applications for 1981-82 will be available in December. The following are some of the major changes affecting VLS students.

**General Provisions:** 1) Primary residence home equity is excluded from the calculation of family assets, and additional deductions are provided for business, farm and

other assets, 2) requires that independent students with dependents be treated the same as dependent student's families in calculating their expected contributions, and 3) enables a married student to be considered independent based on the year he/she is applying for aid; the previous year is not considered. These changes in the general provisions mean that many additional students, including many older, "non-traditional" students who were previously ineligible for federal aid because of equity in a home and/or other assets, will now be eligible.

The law extends eligibility for State Student Incentive Grants to graduate students. This does not mean that states must give grants to graduate students, only that they are authorized to do so if they so choose. I have already spoken to Vermont Student Assistance Corporation — they have no plans to fund graduate students since their funds are so limited, and they do not expect any other states to do so either.

**Guaranteed Student Loans:** Effective January 1, 1981, the following changes are in effect: 1.) the interest rate changes from 7% to 9% for new borrowers, 2.) the aggregate (undergraduate and graduate) loan limit changes from \$15,000 to \$25,000 (the \$5,000 yearly limit stays the same), 3.) the grace period changes from 9 months to 6 months for new borrowers, 4.) there are 4 additional categories of deferments includ-

by Mary E. Swartz

ing one for those serving a required internship before commencing professional practice, such as the required Vermont clerkship, 5.) new 6 month grace period following any period of authorized deferment before repayment is required to resume, 6.) authorizes the Secretary of Education to provide private credit bureaus with information about loan defaulters, and 7.) certain borrowers of GSL's and NDSL's may seek consolidation and extended and more flexible scheduling of repayments, including graduated or income sensitive terms of repayment.

**National Direct Student Loans:** Effective October 1, 1980, the following changes are in effect: 1.) the interest rate changes from 3% to 4% — the law does not specify new borrowers as in the GSL program, although that may be an oversight that will be changed by a technical amendment, 2.) the aggregate loan limit changes from \$10,000 to \$12,000, with the annual limit of \$2,500 remaining the same, 3.) the grace period is changed from 9 months to 6 months, 4.) same additional categories of deferments as GSL program, 5.) same credit bureau provision, and 6.) allows the 10-year repayment period to be extended for an additional 10 years, in graduated installments, for "low-income" students. I have yet to see a definition of a "low-income" student.

Again, come see me if you have questions. There is no guarantee that I can answer them, but I'll do my best.

### CLASSIFIED

Pleasant, 3 or 4 bedroom farmhouse with new country kitchen and supplemental wood heat. Near Vermont Law School. Flexible term of lease. \$400.00 per mo., plus utilities. 763-7143 after 6 or weekends.

House on river for rent. Call 763-7271 evenings, weekends.

**HOUSEMATE WANTED:** MALE OR FEMALE. Tired of driving to and fro? We're living in a house just 2 blocks from VLS; and have a large sunny bedroom available. Large Kitchen and livingroom, wood heat. We're generally quiet folks, which is conducive to studying. We'd be happy to talk about arrangements following the end of the semester if you're too cramped for time now. Best time to call is in the evening. Poppi, Don or Chris 763-7131.



South Royalton House  
Carriage Room  
John Lincoln Wright

and the

Sour Mash Revue  
nov. 7th and 8th  
9:00 p.m.

Admission \$3.00

New Lunch Menu 11:30 - 2:30  
The usual and unusual including:

The Reuben	The Rachel
Quiche of the day	Spinach & Mushroom Salad
Baked Onion Soup	

Plus a daily special.

Wednesdays - 10% off lunch price  
with VLS I.D.

### NOTICE

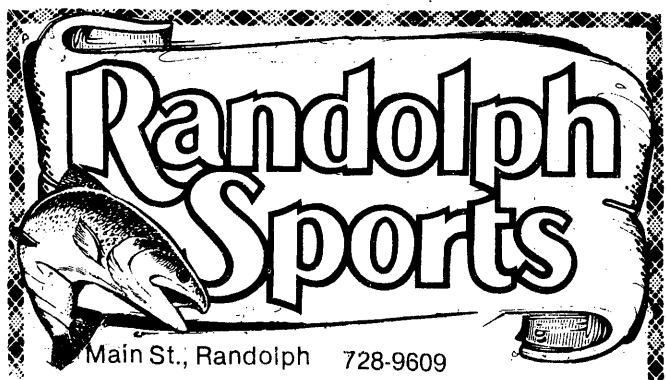
There will be a discussion on "The Brethren" by Professors Dycus, Knauss and I eachout on Wed., Nov. 19 at 12:15 in the first floor lecture hall.

"Anyone wanting to take Bar Bri in Montpelier this summer, please contact Dot Helling, Susie Richardson or Dinah Yessne."

**TONIGHT**  
New Black Eagle  
Jazz Band

at Chandler Music Hall  
Randolph, Vt.

Students \$3.50 at the door  
(Come early to assure seat)



Main St., Randolph 728-9609

See us for  
**Hunting Supplies**  
Special hours for hunting season's  
**Opening Weekend**  
Fri., Nov. 14 'till 10:30 p.m.  
Sat., 5:30 a.m. to 5:30 p.m.  
Sun. 6:00 a.m. to 10:00 a.m.  
Free coffee and donuts