

# Vermont Law School FORUM



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April 1, 1983

"All The News That Fits"

## Women's Conference Big Success

by Jennifer Rood

On March 26, 1983, more than eighty women and a handful of men participated in a dynamic second annual Women in the Law Conference. The conference featured a spirited keynote address by Nilda Appointe, a strong women's rights activist and senior attorney for the Equal Employment Opportunity Commission and included workshops on legal issues surrounding domestic violence, divorce, alternative birthing, mental health systems, and stereotyping/job discrimination.

In addressing legal issues which particularly affect women, the program focused on the cultural roots of attitudes toward women and the powerful influence these attitudes have on the legal position of women.

In her keynote presentation, Ms. Appointe traced her own cultural roots. She evaluated the experiences of her life which had contributed to her desire to support and defend minority views. Emphasizing the importance of sincere respect for others, she urged her audience to show this respect by refusing to permit paternalistically lowered expectations of individuals from minority backgrounds. Her energetic address suggested that a change in attitudes may indeed provide an essential foundation for improvements in the legal position of all minority groups.

Workshops also expressed this theme. The program began with a workshop on domestic violence. Mary Grant, central Vermont area coordinator for the Coalition Against Domestic Violence, and Martha McVicker presented a thorough, interesting analysis of

the problem - realities, causes, effects, and possible remedies. Karen McLaughlin, a Bethel defense attorney, provided helpful insights into innovative solutions for the current crisis.

According to Ms. Grant, FBI statistics show that one out of every two women will be battered at some time in her life. A battering occurs every eighteen seconds, and five hundred women per day are hospitalized for resulting injuries. In Vermont, at least 28,000 women are annually at risk of battering. While women are not the only victims of domestic violence, they are by far the most common victims. Ms. Grant noted that battering occurs in cycles of tension-building, explosion (physical violence), and love/reconciliation. During a long-term relationship, these cycles tend to intensify; explosions show increasing levels of violence. Because women usually love their batterers, and often depend upon them for financial support, they feel trapped. Seven or more battering incidents may occur before a victim even attempts to escape the situation. Many women never seek help.

According to Ms. Grant, a network of hotlines and emergency shelters can provide initial sources of relief. The Vermont Coalition Against Domestic Violence monitors hotlines throughout Vermont and operates shelters in Brattleboro and Rutland. New shelters will open this spring in Burlington and Morrisville. While these services provide essential emergency assistance, they can offer only temporary relief. As noted by both Grant and McVicker, effective long-term solutions, for individual

victims and for society, depend upon pervasive education efforts.

To more effectively support individual women who wish to keep families together and show reluctance to press charges, police and prosecutors need to better understand the dynamics of the battering syndrome. Karen McLaughlin's innovative "deferred sentencing" suggestion, involving admissions of guilt, required counseling, and conditionally suspended sentences for batterers, depends upon a thorough understanding of domestic violence. To alleviate the problem on a broader basis, society needs to alter its perceptions of both women and violence. As Ms. Grant pointed out, American society has traditionally accepted extremely high levels of physical violence.

Further, as noted by McVicker, men have held positions of dominance. English common law permitted men to physically chastize their wives, as long as they used switches no wider than their thumbs ("rule of thumb"), and the laws of thirty-six American states still effectively permit marital rape.

Attitudes have begun to change - the 1972 Abuse Prevention Act allowed general assault and battery standards to be applied to family violence, and at least in Vermont, the legislature is considering a bill to eliminate the marital rape exemption. As Grant and McVicker observed, however, old attitudes die slowly. Efforts to educate must extend to the roots of cultural beliefs; the socialization of children needs to reflect more enlightened views regarding sexism and violence.

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## Zinn Examines The Mystique Of Law

by Greg Shepler

Professor Howard Zinn from Boston University, better known as a political activist, author, and teacher, spoke at VLS last Wednesday afternoon, March 30th. The VLS chapter of the National Lawyers Guild sponsored the lecture.

Professor Zinn, prior to examining the criticisms of civil disobedience, entertained the moderate sized crowd by presenting an alternative view of history, focusing on the "absolutist behavior" associated with the law. Professor Zinn referred to this pedestal upon which we place the law as developing from a "mystique" which surrounds the law - which in its common context is used as a justification for obedience to laws. Professor Zinn stated that the mystic of law assumes a "God-like stature" used to guide behavior while simultaneously being ambiguous in reality. This allows for abuses within the law by those knowing how to manipulate it to their advantage.

What Professor Zinn found most hypocritical about this God-like mystique toward law is that today, the overall balance of law is tipped toward economics (i.e. tax, real estate, secured transactions, corporations) while so little emphasis is placed on the civil rights of citizens. Professor Zinn asked the audience to look at the books they carry and ask themselves if these laws represent a "distribution of wealth which legitimizes our present distribution of wealth" or rather if the laws in those books concern inequities and behavior toward civil rights. With this in mind, Zinn asked the audience not to view civil disobedience as lawless action without first examining laws to determine why particular laws were devised and who reaps the benefits from them.

In defending civil disobedience, Professor Zinn examined the converse of the typical criticism toward civil disobedience. Professor Zinn asked the audience - what is more dangerous in a generalized sense,

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## The State of the South Royalton House

by Steve Schlessor

From the time it was given to Vermont Law School as a gift under Tom Debovoise's tenure as Dean, the South Royalton House has proved a mixed blessing for the school. What to do with a facility which provides VLS with a range of benefits but which operates substantially in the red has been a question which is never far from the minds of administration and board members.

Dean Chase, in an interview with the Forum last week, said that he doesn't expect the South Royalton House to turn a profit, but he's hoping, under the new management of Chuck Gunderson, that the facility will be able to generate enough revenue on its own to the point where the law school can feasibly carry it.

Asked to give a specific dollar amount reflecting what the South Royalton House is costing the law school each year, the Dean replied: "Let's just say this. The loss right now is greater than we can afford into the future."

A solution to the financial woes of the South Royalton House? The

Dean said the administration is taking things one step at a time. The first step will be a full evaluation of Gunderson's management and the facility itself at the end of the year. The Dean is not looking for hard core results but is rather hoping things will have turned in the right direction by then. "I'm hoping he'll have managed to make a substantial improvement in our economic situation."

How does the Dean rate Gunderson's performance since he took the reins of the beleaguered facility the first of November? "I'm very impressed with Chuck so far. He cares about the facility. He's imaginative. If everything works out, my hope is that he would be there indefinitely."

The Dean said the Pub is doing relatively well. "It's in the diningroom where we're losing and where we hope to make gains." Hoping the South Royalton House can cultivate a solid reputation under Gunderson, the Dean felt that the diningroom could draw patrons from Hanover, Norwich, and Woodstock. "People will come

from all over for a good meal."

The Dean stressed that the South Royalton House provides a tremendous advantage for the law school but that VLS is not getting maximum utilization from the facility currently. "We need input from students about possible uses," he said. "Moreover, I would encourage students to patronize it. We can go a long way with the South Royalton House."

Amid all the prospects for good things to come, students have not gone without grumbling. According to second year student trustee Mark DiStefano, students have voiced concerns about the fate of the South Royalton House. "Students have suggested selling," said DiStefano last week, "but right now there are too many ifs to warrant taking action."

DiStefano would not elaborate specifically about dollar losses but did say the South Royalton House is being "substantially subsidized" by the law school right now, but he added "it's not as much of a white elephant as students think."

"There are tremendous advan-

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## HAHN v. V.L.S.

by Steve Schlessor

The case of Hahn v. Vermont Law School was once again brought out of the closet as the First Circuit ruled on the case Jan. 21, holding that a law school from one state that sends recruiters to and advertises in another state may be brought within the jurisdiction of that forum state - in this case, Massachusetts.

An article on the case appeared in a recent issue of the National Law Journal. In the case, William Hahn, a VLS graduate, brought suit in Massachusetts claiming that the school had breached its admissions contract with him when it allowed Professor Tom Ross, to teach without supervision and to use arbitrary grading methods. Hahn failed the secured transactions course taught by Ross.

The District Court dismissed the complaint against both the law

school and Ross on the ground that the Massachusetts long-arm statute could not reach the defendants since neither maintained offices nor had extensive business dealings in Massachusetts.

Under the First Circuit ruling, VLS was found to have the necessary nexus to Massachusetts for venue purposes, but Ross was dropped from the suit.

Dean Chase said that Vermont Law School has nothing to hide concerning the Hahn case. "I've personally reviewed the grading procedures and did not find them at all inadequate. I'm confident about the outcome of this case."

Chase has reported the status of the case to the board of trustees and has directed VLS counsel to proceed to the merits.

Chase said that from Hahn's point of view the case is extremely

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## Editorial

It's not often that an editorial is written lauding an event. Usually this space is used to attack controversy or calamity. Well, this is not one of those times. Congratulations, Women's Group.

The Second Annual Women In The Law Conference was a great success. For those faculty and students who sat home or in the library or elsewhere, SHAME ON YOU. The women's group spent many hours putting together a tremendous event that the whole school community, including most of our male faculty, could have learned a great deal from.

Sexism is present in all facets of today's society. While sexism doesn't receive the animus that racism or fascism does, it has detrimental effects on all of society. While blatant racism is usually no longer greeted with the glee that it once received, sexism is often not recognized for what it is, even in the legal community. One of the problems with it, even like the Women's Conference is that those people who have the most to learn and those people who need to learn the most, are usually the people who stay away.

One of the greatest attributes of an event like the Women's Conference is the showing of unselfishness by the people who spend so many hours doing something solely because it is good, right and important. In almost all academic settings the accolades and recognition go to the students who excel in purely academic pursuits. While success in the academic sphere is no doubt worthy of merit, it is also important to fully recognize the people who do equally important works, and do so without any thought of how it will look on their resume or how it will help them to get a high paying job.

V.L.S. is very fortunate to have many of these dedicated people who work unselfishly for the good of all of us. No doubt the women's group is made up of many of these people. We are proud of you.

C.R.V

## Registration

Registration for the coming fall semester for the Classes of 1984 and 1985 will take place during the week of April 11-15. On Thursday, April 7, there will be a brief curriculum planning workshop in the First Floor Lecture Hall from 12:15 to 1:30, at which various members of the faculty will discuss course selection, both in general and as it relates to career planning.

Registration materials will be distributed on Friday, April 8; completed registration forms may be turned in at Abbott House until 5:00 p.m. on Friday, April 15. Registrar Fran Burstein will be available to answer questions about registration from 2 to 4 on Tuesday, April 12, in the 3rd Floor Classroom and Wednesday, April 13, in Seminar Room B. Students may also wish to consult their advisors or other members of the

faculty about course selection.

Unlike past years, this spring's registration will cover only the fall semester. A spring course list and schedule will be distributed to aid students in tentatively planning a year-long program, but actual registration for spring semester courses will take place in late November. This change was made because, to give an example, it seemed unrealistic to ask a student who had not yet had the basic tax course to decide to take or not take corporate tax in the following semester. In the past, there were so many course changes for the second semester as to make the original selections virtually meaningless. Two separate registrations, with students having more experience on which to base spring course selections, should be more efficient.

## Letters to the Editor

This is my first letter to the Forum and I appreciate the opportunity to voice some small suggestions. I have greatly enjoyed S. Royalton and Vermont Law School this first year. The town's charm and classic New England flavor set amongst the hills like some blossoming city-state are nothing but conducive to study.

I feel that there is great potential for Vermont Law School. To create and even greater sense of cohesiveness for the town and V.L.S. I suggest 1) The rescheduling of passenger train stops in S. Royalton, 2) The building of a small stone dormitory and athletic center on the banks of the White River (stone to give a greater sense of permanency), and to facilitate the construction of these new buildings 3) Do away with tuition and have students, upon graduation and thereafter, give a certain percentage of their yearly salary to V.L.S. This would give a definite sense of belongingness and identity to the law school, thrust V.L.S. into the forefront of progressive tuition plans, lessen the financial burden on students, and eventually enhance the financial position of V.L.S.

Respectfully,  
Lon Taylor '85

Dear Editors,

I wish to thank everyone who assisted in the blood drive held March 30th. It was a success.

I wish to specifically thank 1) The Ladies Garden Club of South Royalton and Mrs. Smeed who provided sandwiches for the donors, 2) MacDonald's of West Lebanon for providing milk and orange juice; 4) Phi Delta Phi Law Fraternity for helping us find volunteer workers and especially; 5) the workers and donors without whom we could not have drawn sixty pints of blood. Given the recent flu epidemic, this figure is astounding.

We are looking forward to seeing most of these donors next year when the blood drive will be held, Wednesday, November 16, 1983.

Tom McCann  
SBA Blood Drive Committee

To the members of the SBA:

The Vermont Law School staff would like to express their sincere appreciation for the lovely lunch on Thursday, March 17. You obviously invested a great deal of time and energy into the function and it was special to each and every one of us. Thank you for caring so much.

Warmly,

The Vermont Law School Staff

TO THE EDITOR:

One of the more melancholy symptoms of involuntarily melancholia is that those so unfortunate to be afflicted usually find their faculties nodding to a certain plummet. And so what we've come to know in Latin as the compos mentis, or sound mind, soon becomes the incubator for hallucination, paranoia and other psychosis. Although the malady strikes in varying degrees and nearly always in an undifferentiating manner, it has in the past often aped many of our western journalists. Let's relive for a moment, shall we, some unforgettable moments of inconsistency with a few well known liberal journalists.

Recall, if you will, Sidney Schanberg of the N.Y. Times and his bout with reality during the post-Vietnam War years. Mr. Schanberg had been the Times correspondent in Phnom Penh until a week after its fall and while Henry Kissinger apprised us that Mr. Pot is indeed "riling people up" over in Cambodia, Mr. Schanberg reported that such stories were exaggerated and that American authorities have a stake in such theories. **New York Times, 15 June 1975.** Then there was William Goodfellow and others whose like-minded editorials and, quite often, blanketed the Times' Op-Ed page. "The evacuation of Cambodia's larger cities," wrote

Mr. Goodfellow "has been sensationalized in the Western press as a death march ... The available evidence (however) suggests that recent reports in the Western media (The N.Y. Times, CBS, et al.), based on United States intelligence sources, of hundreds of thousands, or even millions, perishing from starvation are self-serving exaggerations planted to discredit the new Government." **The New York Times, 14 July 1975.**

In January of 1978, Elizabeth Becker of the Washington Post attended an American Security Council press conference at which a Cambodian refugee, Pin Yathay, presented one of the most authenticated eye-witness accounts of the Cambodian bloodbath. Mr. Yathay, a civil engineer, escaped Cambodia after surviving twenty-six months in that country and witnessing the murder of his entire family. Mr. Yathay recalled "many macabre incidents ... The starving people ate the flesh of dead bodies during this acute famine. Now I will tell you a story that I lived myself ... a teacher who ate the flesh of her own dead sister. She was later caught and beaten to death, in front of the whole village, as an example, and her child was crying beside her." Midway through the press conference Miss Becker left the room grumbling "I have heard enough of this junk." **Accuracy in Media Report, March 1978, Part II.** Needless to say, the Washington Post did not run a story on Mr. Yathay's press conference.

And finally, what examination of liberal schizophrenia would be complete without a visit to our patients in the National Lawyer's Guild. William Kuntzler, one of the NLG's elder statesmen, whom we found on the occasion of the NLG's 1971 convention in Boulder, Colorado orating "I am a double agent; I want to use the System to bring down the System," found myself on the occasion of the Cambodian holocaust quite incapable of "criticizing any socialist government." And so he hasn't.

On this note, you may have read an "interesting" editorial in last week's Forum where our editor, Beverly Griffin, tells us with all the stirrings of a Pentagon Papers find that she recently read an "interesting" piece of investigative reporting in the N.Y. Times. Ostensibly, Ms. Griffin and the Times are concerned that America's conservative-minded youth may be plotting a Bastille Day on liberal hives a la Ralph Nader's Public Interest Research Groups. This concern does not, of course, extend to the fact that the occupants of these hives, as the situation now stands, find their pollen in the wallets of students seeking entry to our institutions of higher learning. You'll find these bees buzzing around the turnstiles of public education where prompt payment of a PIRG fee is a condition precedent to entry. Sound familiar? Exactly. Your donation toward the NGL's propagation of left-wing, radical swill is the local version of Mr. Nader's nationwide tyranny and so you might be wary of anyone who would con you into believing the situation is to the contrary. Watch for buzz words like "viable groups."

The secret Bev and the Times bumped their foreheads on last week - a discovery which they both appraise as a clandestine conservative onslaught against the counter-culture, is, in fact, little more than what the French term "a secret de polichinelle" or "Fool's Secret." Ms. Griffin, a woman whose leadership on the SBA has hitherto exemplified principles of industry, courage and objectivity, may recall what one of our nation's leaders had to say on this matter a very long time ago. Thomas Jefferson wrote: "To compel a man to furnish contributions of money for the propagation of opinions which he disbelieves is sinful and tyrannical." In accord with the Jeffer-

sonian principles on which our country was founded, concern with mandatory student subsidy of political advocacy surfaced during my senior year at Columbia (1980). More recently, on August 4, 1982, the U.S. Court of Appeals for the Third District [**Galda v. Bloustein**] cleared the matter up for Mr. Nader and other panhandlers in a unanimous opinion holding that a student cannot be forced to pay a fee to finance a political group. Predictably, law suits have now been filed against public institutions with similar funding scams in California and New York.

One, of course, readily recognizes the imports of illegalizing that portion of a student government fee which finds its way into subsidizing politics. The NLG, EAG, women's group etc... would, under this scenario, have to "make money the old fashioned way" that is, as Smith-Barney urges, they'd have "to earn it." For our campus feminists, the prospect signals an occasional return to the kitchen and cake baking for the monthly bake sale -- a singularly disquieting prospect for VLS's sisters. And so one realizes, rather effortlessly at that, why liberal thinking at VLS on the SBA's funding scheme is plummeting to uncharted depth of psycho-pathology.

by George Andrusyshyn '83

Dear Editors,

With the advent of the budgeting process upon us, I wish to express some concerns about the wasteful practices of the student organizations receiving funds from the SBA and the trifling away of photocopy expenses by administrative offices.

A few days ago, I encountered a rumor that should remain such. I was told student organizations should spend the money allotted to them by the end of the fiscal year because their request for funds will be adversely affected for the following year. The alleged rationale for this policy is that it will streamline budget requests to allow for the allocation of funds towards actual expenses that will be incurred. Therefore the funds will be used more efficiently and will not be allocated at the expense of other worthwhile projects or organizations.

The result of this policy, whether this policy is real or fallacious, is to create waste. Events, parties, or publicity have been proposed simply to consume organization's budgetary allotment. Should not the SBA encourage frugality rather than extravagance? If the SBA has a policy against squander, perhaps it should be enunciated to avoid any confusion among organization leaders.

My second purpose for writing, at this time, is to express my concern for the draining of funds by photocopying expenses. How often have we pulled fall page "stuffers" out of our mailboxes only to find the identical item posted on the main bulletin board. An example of this is waste of paper and time just announcing that secret numbers will be distributed. Not only were we warned of the distribution of numbers in our boxes but the identical notice was posted on the main bulletin board. Organizations now flood our mailboxes with full descriptions of speakers or coming events. They also have those same events 1) listed on the daily events calendar; 2) plastered on posters scattered throughout the school and; 3) sometimes given the benefit of an announcement in class. Given these effective announcement techniques, is it really necessary to make photo copies at 5 cents a sheet to be stuffed in our mailboxes? That means each time a full sheet is stuffed in mailboxes it costs almost \$18.00 Multiply this figure by the number of full page notices in our boxes (only as 1/2 this amount for 1/2 page notices) and we have a figure that is over \$1,000 by my count. (Our SBA treasurer could give us a more accurate figure). continued on Page 4

### MOVIE

#### "ACID RAIN: Requiem or Recovery"

Canadian film officially labeled propaganda  
by the Reagan Administration

Friday, April 8th, 12:15  
3RD FLOOR CLASSROOM

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## Lawyer vs. Nuclear Arms

by Alana Ryan

**EDITOR'S NOTE:** This article has been reprinted from the Vermont Bar Association Journal.

Once generally characterized as "unthinkable," the prospect of a nuclear war has recently become one of the most thought-about and articulated factors in the United States foreign policy calculus. In the past year, there has been a dramatic increase in the amount of attention the American legal community has devoted to addressing the consequences of that prospect. Nationally, lawyers from all points on the political spectrum have begun earnestly exploring the various ramifications of the present nuclear arms escalation — from the basic legality of nuclear weapons vis a vis the Geneva and Hague Conventions, to the feasibility of local governments systematically rejecting, by ordinance, the conventional approach of nuclear "preparedness."

Lawyers who are sensitive to the futility and moral bankruptcy of attempts to sanction and augment the fifty thousand nuclear warheads which exist in the world today are accepting their responsibility to educate themselves and the public about the manifest dangers of existing and attempted nuclear arsenals and are attempting to develop proposals which will decrease the likelihood of a nuclear confrontation.

It is anything but unreasonable to expect a rational and democratically responsive approach to national security in the nuclear age, and attorneys are realizing it is incumbent upon the legal community to take an affirmative role in creating such an approach. We are acknowledging that because of the genocidal nature of nuclear weapons, elementary principles of humanitarianism dictate that we should use our skills and resources to address this unconscionable situation.

Lawyers, like physicians and other professionals who have become vocal opponents of the present unbridled arms build-up, are still in the process of defining the precise nature of their role.

However, it is agreed that the starting point is an intelligent airing of the issues and a critical examination of the assumptions underlying the present approach to global stability.

This summer at the ABA annual convention in San Francisco, a resolution was proposed which broadly outlined recommendations for nuclear arms control and reduction. The common sense proposal called for "serious and sustained negotiations" to reduce nuclear stockpiles, warned against antagonistic conduct and rhetoric which "invites nuclear confrontation," and condemned efforts by the U.S. to achieve nuclear superiority. Despite the fact the Defense Secretary Casper Weinberger appeared before the ABA delegates to inform them that a freeze is "preposterous" and the "grossest malpractice," the resolution was approved by a House vote.

The proposal which the ABA adopted was drafted by the Lawyers' Alliance for Nuclear Arms Control (LANAC), a national organization devoted to promoting public awareness of nuclear arms issues and to organizing the concern and expertise of legal professionals who oppose the present arms build-up. LANAC presently has 34 state chapters and 3,500 members nationwide. John Downs of Burlington is a director representing the second circuit.

The Vermont LANAC chapter, headed by Jim Dumont of Sessions, Keiner & Dumont in Middlebury, currently has over one hundred members. The group has initiated various projects which, at very least, express a reasoned opposition to the present frenzied pace of the arms race, and which will hopefully help lead to a recognition of viable alternatives to conflict resolution by nuclear force.

### ABOUT THE AUTHOR

Alana Ryan is a second year student at the Vermont Law School and Secretary to the Executive Committee of the Vermont Chapter of Lawyers' Alliance of Nuclear Arms Control.



photo by Rex Brien  
ALANA RYAN

## OPEN HOUSE COMING UP

April 8 and April 22 have been designated as special visiting days for accepted applicants to the Class of 1986.

Edna Baugh, Martha Lyons, and Paul Fischer are coordinating a full schedule of events designed to give the visitors a sense of what it might be like to attend Vermont Law School. The schedule includes a welcoming address by Dean Chase, amid coffee and donuts; attendance at a Contracts class; lunch at the South Royalton House; open houses at the Environmental Law Center and South Royalton Legal Clinic; optional meetings on financial aid and housing; and an SBA-sponsored kegger for students and visitors at the end of the afternoon.

A number of VLS students have graciously offered to provide housing to those visitors who will be staying overnight; however, additional housing may be needed. Please contact Edna Baugh if you can accommodate one or more visitors.

In order to enable the visitors to attend the Contracts classes, several scheduling adjustments had to be made. On Friday, April 8, and Friday, April 22, only, these classes meet at new times or in new places.

Contracts A (Chase) - 11:00 a.m. - First Floor Lecture Hall.

Contracts B (Honabach) - 11:00 a.m. - Quincy Wright

Income Tax A (Willbanks) - 11:00 a.m. - Second Floor Classroom.

Income Tax B (Firestone) - 11:00 a.m. - Third Floor Classroom.

Estate Taxation (Peat) - 11:00 a.m. - Map Room.

We appreciate everyone's cooperation and indulgence while we apologize for the inconvenience.

## Magistrate to Speak

On Tuesday, April 12, 1983, U.S. Magistrate Jerome J. Niedermeier will be addressing students and staff of the South Royalton Legal Clinic on techniques of effective trial and appellate practice. Magistrate Niedermeier's presentation will take place between noon and two o'clock in the faculty conference room at Whitcomb House. Subject to the space limitations of that room, all members of the Vermont Law School community are welcome to attend.

Magistrate Niedermeier was a trial attorney with the U.S. Department of Justice's Civil Rights Division from 1973 to 1976, and spent the next six years involved mostly in criminal practice as an assistant U.S. attorney in Rutland, Vermont. He was named U.S. Magistrate in April of 1982, the first person to hold that position on a full-time basis in the state's history.

## The Fourth Estate

by Steve Schlessor

George Orwell died over thirty years ago. Mark my words, however, he will be revived and brought back from his grave in a variety of forms next year. 1984 is an election year and one group has already set into operation an "Orwell for President" campaign. Such an exhibition would be a great disservice to a man who was, in some respects, out of place during his own lifetime and enough of a loner to frustrate biographers who have sought to penetrate the core of his privacy.

T.R. Fyvel's recently published "George Orwell: A Personal Memoir," however, presents the writer most likely in the manner he'd wish to be viewed: straight forward, unassuming, honest. In their first meeting in 1940, Fyvel remembers Orwell as: "A very tall, thin man, with a long, thin, haggard face, with deep-set blue eyes, poor skin, a poor, small moustache and deep lines etched in grooves down his cheeks." A graduate of Eton, Orwell spent several years as a police officer in Burma and later found himself a penniless writer among the down-and-out of Paris and London. A man who wrote that the best prose can be likened to the clarity of polished glass, Orwell "always looked at the world from the

perspective of his own personal and social situation and needed always to define and redefine where he stood and what he thought on any issue."

His reputation as a writer has been distorted by the immense popularity of "1984." Of the literary genres in which he chose to involve himself, his novels are inferior to his two great fables and his literary essays, especially his review of Dickens and his unprecedented description of his own development as a writer, are as lasting and as first-rate as anything he wrote.

Of course, he will also be remembered as a political thinker-remarkably insightful and unusually ahead of his time. As Fyvel writes: "He was profoundly afraid of what he saw as a larger, inevitable social change which was simultaneously in progress: the growth of a dehumanizing, technological collective life lying ahead, particularly within the Big Soviet State in the East, but for that matter also within the State of depersonalized Big Business in the West." In 1984, when George Orwell's name will appear frequently, take note that the man lived a short, mostly unhappy life and died relatively unknown.

Phi Delta Phi  
Roundtable Legal Issues Series  
presents

**Richard M. Reilly**

Regional Director  
of the

American Arbitration Association

"Arbitration - A Choice of Remedy"

WEDNESDAY - APRIL 6, 1983  
3:30 PM - Q.W. HALL

Wine & Cheese Reception to Follow!

## PHI DELTA PHI NEWS

by Peter M. Heintzelman

This spring semester has seen increased activity by the Ford Inn at Vermont Law School. In order to update our graduated frat members, and other interested parties, a brief review of our events is appropriate.

On February 12th, we sponsored the traditional semi-formal Valentine's Day Dance that turned out over 150 students and friends. We awarded door prizes of champagne and hot tub gift certificates. February 23rd welcomed Mr. Robert Meserve, former ABA president and current chairman of the Kutak Commission to our Roundtable Legal Issues Series. Sixty students and faculty turned out for the event and subsequent wine and cheese. PDP members and faculty advisor, Prof. Kreiling, dined with Mr. Meserve that evening. The Inn was also responsible for organizing the Blood Drive this past Wednesday, March 30th.

Our spring rush occurred on Friday, March 25th. After setting up an attractive display table outside the library entrance all day, we attracted 28 students to sign an interest list. Five third year students signed up recognizing the benefits to them (particularly the free one-year \$10,000 life insurance

policy). Our initiation was held at its traditional location, historic Woodstock Courthouse on Thursday evening, March 31st. As of the deadline date for this issue of the FORUM, we are not sure how many initiates we will have.

The Roundtable Legal Issues Series will present Richard Reilly, Regional Director of the American Arbitration Association on April 8th, at 3:40 p.m. in the Q.W. Hall. And finally, our annual banquet is tentatively scheduled for Friday, April 15th at the SORO House. Our Province President and Executive Director have indicated their interest in attending the event. As this past year's officers are recognized for their dedicated service, the new officers for next year will be introduced as well. We invite our graduated members to attend, and hope we have a delegation from each graduated class at the banquet. For more information, contact Magister Heintzelman at (802) 763-8634 or write P.O. Box 317, S. Royalton, Vt. 05068.

### BLOOD DRIVE

Phi Delta Phi wishes to thank volunteers and donors alike for making the blood drive successful this past Wednesday. Special thanks to Tom McCann for his perennial efforts.

### work study

Applications for Summer College Work-Study are now available in the Financial Aid Office. The deadline for filing is April 15th.

## Changes in Fed. Clerkship Hiring Calendar

The following policy was announced by the Judicial Conference of the United States on March 17, 1983: "Applications for law clerkships will neither be received nor considered prior to September 15 in a student's third year of law school. This policy shall be effective immediately for a trial period of two years, at which time it will be reexamined by the Conference at its March 1985 meeting in light of the experience under it and with the benefit of the views of all federal judges formed by reference to that experience."

The announcement goes on to state that there are no sanctions for failure to comply with the policy, but that voluntary compliance is being requested. The Association of American Law Schools is urging deans to approach state courts with the suggestion that they adopt a similar policy. The question is — what does this mean for Vermont Law School students who wish to apply for federal judicial clerkships?

The Placement Office contacted U.S. District Court Judges Holden and Coffrin to inquire about their policies. Judge Holden's office indicated that he would abide by the new guidelines. Applications already received will not be considered until September 15. Judge Coffrin will also abide by the new guidelines. He plans to notify early applicants that their files will be held for consideration until September 15 and that if they have not heard from him by October 15, they are no longer being considered.

It was not too long ago that the federal judiciary adopted a policy that clerkships not be filled before April 15 of the candidates' second year of law school. Honored more in the breach than by observance, this guideline was abandoned two years ago. Experience suggests that the new policy may work to the disadvantage of those students who abide by it across the board.

The Placement Office suggests that students either (1) contact specific judges in whom they are interested concerning hiring calendars or (2) continue to apply early. In the latter case, it would seem that the worst that can happen is that the application may be returned — or be ignored until September 15.

The Placement Office will announce new developments as information becomes available.



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## Women's Conference

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Both deep-rooted cultural beliefs and changing attitudes toward women seem to affect divorce. In evaluating new trends in divorce, Trine Bech, an attorney with Brownell and Moeser in Springfield, Vt., discussed the role of these forces in shaping new trends.

More than ever before, it seems, mothers are choosing to leave families. This behavior challenges traditional perceptions and, according to Ms. Bech, makes child custody determinations increasingly complicated. Judicial custody decisions seldom show a broad enough perspective. Although judges try to award custody to the most fit parent, they often lack complete information about family circumstances and frequently show reluctance to even consider joint custody arrangements. Because of this, Ms. Bech suggested family practitioners need to take the time, on a personal level, to fully explore the best interests of children. Often, a guardian ad litem can help. By consulting not only parents and children but also neighbors, teachers, and friends, a guardian ad litem can gain a broad and accurate perspective. Judges can thus develop more accurate perceptions about divorcing families and make more informed custody determinations.

No matter how informed the custody decision, divorce has profound effects on all the individuals involved. Women often suffer very detrimental economic effects. In their workshop on "The Economics of Divorce: A Woman Client's Perspective," Heather Wishik and J. Campbell Harvey, Esq. presented a lively analysis of the often bleak fortunes of divorced women. While a man's income tends to sharply increase after a divorce, they noted, 93% of the women begin their divorced life at the poverty level. In hopes of retaining custody of children, many women settle for support arrangements which fail to adequately meet their financial needs. Lawyers representing divorcing women thus need to be sensitive to these issues.

Many of the economic problems facing divorced women result from sex stereotyping and job discrimination. In her dynamic presentation on "Education, Family Life and Stereotyping," Dr. Nishma Duffy, Equity Coordinator for the New Hampshire Department of Education, discussed these problems and exposed the cultural sources of discriminatory attitudes. She presented statistics indicating that while forty-three million women are working, thirty-one million work at jobs defined by the Department of Labor as the lowest paying, most dead-end positions - waitresses, clerk, cashier, and practical nurse. A woman must work nine days to match a man's normal weekly salary; seventy-five percent of all working women earn less than \$10,000. Indeed, women make up the fastest-growing group of poor.

Expressing anger at these inequities, Dr. Duffy cited stereotyping and discrimination, subtle in education but open in American culture, as the primary causes. Cultural messages about women, she noted, reach very young children and play a major role in shaping attitudes. Because an average child spends thirty hours a week watching television, distorted media images of women have particularly powerful effects. By placing exaggerated emphasis on the importance of "beauty," television advertising transmits unrealistic and often destructive messages about women. In Dr. Duffy's view, the "Barbie" doll campaign has been one of the worst offenders; "Barbie" relies on physical flawlessness, fashionable clothing and attachment to a man ("Ken") for her success. Because she seems to need neither intelligence nor gainful employment, she gives young girls an unrealistic and stereotyped role model.

Dr. Duffy suggested that most forms of advertising perpetuate both negative attitudes toward women and feelings of inadequacy by women. In examining the use of women in advertising, the movie "Killing Us Softly" support this suggestion. On television and in magazines, advertisers tend to portray women either as flawlessly beautiful sex symbols or as pitiful housewives who are "pathologically obsessed with cleanliness." When men and women are shown together, men nearly always appear in positions of control - sometimes violent control. The film analyzed numerous examples of this advertising and provided a fine complement to Dr. Duffy's presentation.

Workshops on "Women and the Misuse of the Mental Health System" and on "Legal Issues in Alternative Birthing" rounded out the program. In evaluating the position of women in the mental health system, Ann Barker, attorney for Vermont Legal Aid, Ann Goering and Anna Saxman, Vermont Legal Aid paralegals, pointed to inconsistent cultural expectations of "normal" behavior for men and women. While violent, uncooperative male behavior might be considered "normal," for example, similar female behavior could result in a valium prescription or emergency institutionalization. Although the enthusiasm of this workshop's leaders for getting people out of mental institutions may have inspired slightly over-general evaluation of individual mental health issues, the workshop provided valuable insights into additional effects of cultural beliefs.

On a more cheerful note, Laurie Foster, who studied midwifery in California and Texas and now has a successful Vermont practice, discussed the legal implications of increasingly popular alternative birthing practices. She suggested that women have begun to question both the safety and comfort of traditional hospital obstetrical care. Alternative birthing usually occurs in the home; midwives work closely with women throughout the pregnancy and act as "guardians" of the natural delivery process. They develop a bond of trust which can often offer a more fulfilling experience.

Because the law has accepted traditional assumptions about the superior safety of hospital births, the practice of midwifery often encounters legal obstacles. Its legal status varies from state to state, but criminal penalties (unauthorized practice of medicine) or strict licensing requirements present obstacles to midwives. In Vermont, midwifery is neither prohibited nor legally defined.

Ms. Foster observed that government restrictions interfere with constitutional rights to family privacy and freedom of religion. She suggested voluntary certification as a more appropriate means of insuring competency and safety.

Throughout the day, sensitive, well-informed workshop leaders and energetic, intelligent workshop participants worked together to create an exciting program everyone at the conference seemed to thoroughly enjoy the experience.

## Hahn

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difficult to win. "The courts have simply said that they are not going to try to second guess the academics." He added that the cost of the case is assumed to be covered by insurance. "Should that prove erroneous, it will be very expensive."

Concerning possible adverse publicity for Vermont Law School as a result of the case, Chase replied: "I would have preferred we'd not been sued, but I don't expect any negative reflection on the school as a result of it. I think the public tends to focus on the individual in this sort of situation, rather than the institution. The negative reflection will be on the plaintiff rather than the school."

## Zinn

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obedience or disobedience? Zinn answered this question by saying that history has shown that more violence has occurred from obedience to laws than from disobedience. Using this historical example, Zinn proposed that if the world ever comes to an end, it will be because of obedience to laws rather than disobedience.

From a historical perspective, Professor Zinn stated that changes in history have not transpired through legal channels - the most recent examples in our own history being the civil rights and anti-war movements. However, Zinn states that it is the legitimate channels which get the credit - as Henry Kissinger (who Zinn referred to as an architect of the Vietnam War) did by receiving the Nobel Peace Prize.

It is in the arena of foreign policy where Professor Zinn claims that civil disobedience is most necessary. This necessity exists because many victims of our foreign policy are powerless to influence change through existing legitimate channels.

Professor Zinn concluded his lecture by rewording his underlying premise as an advocate of civil disobedience - "nothing happens inside the law unless people act outside the law." All lawyers must consider this a challenge.

## So. Ro. House

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tages to the place which you can't quantify. For instance, the new development program being started could benefit immeasurably from that facility."

Asked if the South Royalton House had been put on a back burner in terms of board priorities, DiStefano replied: "It's been a concern of the trustees since I've been elected. The administration is not being lax about this either. They've handled it well. I support them a hundred percent."

DiStefano cited the changes made under Gunderson's management so far and pointed out that "he's streamlining the operation as much as possible. Let's evaluate the results in a year or two."

Asked how he felt personally about the situation, DiStefano said: "I support holding onto it if you can carry it at a low enough cost. Even assuming you could sell it right now for a good price, then in twenty or thirty or fifty years, will we kick ourselves for doing that?"

Gunderson himself would like to make sure Vermont Law School would never have to ask itself that question, although the quiet, efficient manager admitted that so far things have not been easy going. "When I took over, every single area of this place needed improvement. Every facet of the operation needed work." Taking a break to interview and tour the Forum, Gunderson admitted: "The first month I was here, I almost thought it was hopeless. I almost threw in the towel."

With a background thick in the restaurant business, Gunderson is not afraid to get his hands dirty. After a tenure as a title officer with the U.S. Life Title Insurance Company in New Jersey, Gunderson decided to become a chef and was graduated from the Culinary Institute of America in May 1976. He then came to Vermont as head chef of the Prince and Pauper in Woodstock, where he worked for over three years during a five year period in which he also cooked for restaurants in Killington and New Jersey. Married and with four kids, Gunderson said he enjoys the VLS's community as well as his job and would stay on if the South Royalton House can be turned around. "I like working for the law school. I like both the staff and faculty. The law school community appeals to me. I enjoy the students."

One of his first improvements on the job was to correct the numerous health problems which had accumulated. Gunderson went after

each and every problem which had been cited by the health inspector and as a result said he's proud to have people walk into the kitchen now. A tour showed the kitchen spotless.

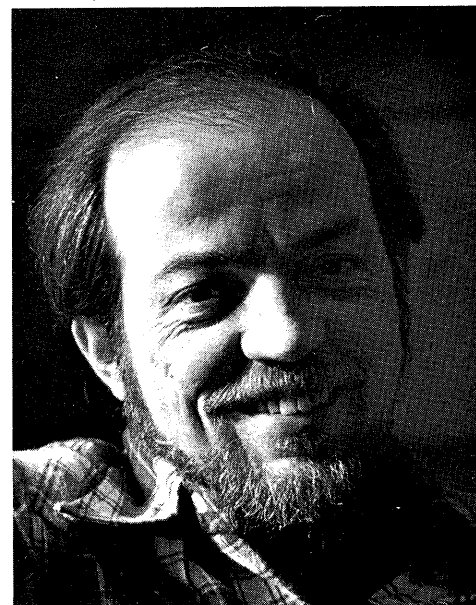
Gunderson next changed both the dinner menu as well as the pub menu. "We brought in a wider selection. We changed the prices. Some we made more affordable. Others we made more profitable. We also improved the food immeasurably. I've concentrated on the diningroom, but of course making it as popular as I'd like to see it will take time." He mentioned as of the first of April he will begin advertising on the radio but added: "I'm not expecting miracles."

Also, after Gunderson came on board, a few heads rolled at the South Royalton House. "The payroll was top-heavy. I let one cook go since I'd do the cooking myself and I let one of the waitresses go. It was purely a matter of economics." He also hired former VLS student Bonnie Helm as the Pub's new bar manager and expects good things from her. "We'll have more drink specials, more entertainment. We'll be using the Carriage Room a lot more."

Asked about the possibility of further utilizing the lodging facility at the South Royalton House, Gunderson said: "South Royalton is not a big tourist town. There's not a big demand here for lodging. It is not an area we'll concentrate on."

Gunderson is well aware he's under the gun in terms of turning the South Royalton House around and is frank about the facility's financial dilemma: "It's such a big expensive building to operate and the community itself is so small. The likelihood of profitability is not great, but I think we can arrive at the point where it's no longer a financial burden to the law school. It's not unreasonable to think we could break even."

Time will tell.



## Vermont Poet at At VLS

by Jeff Axelrod and Greg Shepler

David Budbill, poet and free lance writer now living in Wolcott, Vermont, will speak at VLS on Wednesday, April 6, at 12:00, in the Quincy Wright Classroom. The VLS chapter of the National Lawyers Guild is sponsoring the lecture and poetry reading.

Mr. Budbill's presentation, entitled "1946 & 1983," will provide a unique perspective concerning the proliferation of nuclear weapons. To provide such a perspective, Mr. Budbill has recently been pursuing his interest in the implication of important events of the 1940's, culminating in the holocausts at Hiroshima and Nagasaki. Mr. Budbill will compare the events of that time frame to our current situation while examining the applicability of Mohandas Gandhi's concept of *Satyagraha*.

Mr. Budbill's perspective will be

## Letters

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Is all this paper necessary? Could not these notices be equally and effectively posted in one place in an organized fashion at 1/350th of the cost? I suggest that a three day bulletin board be installed for the sole purpose of posting notices for 3 days only. Such a board should be placed in a well traveled place. It should not resemble the Zenger's nightmare which is in the first floor lounge.

Some argue that placing notices in mailboxes assures the information is disseminated. I believe the same people who don't read notices on bulletin boards are the same people who don't read notices in mailboxes. It has been my experience that posters are more effective. I have been working with the student affairs committee putting on the week night movies. For the first month we stuffed notices in every mailbox (on 1/5 sheets of paper). After the first month we changed our mode of publicity to posters. What movies are students asking us to show? The one's shown the first month personally advertised in mailboxes.

I hope the SBA and members of the administration will look into alternative information dissemination systems and in so doing they might eliminate the proliferation and the destruction of trees, by continuing the current system.

Tom McCann

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