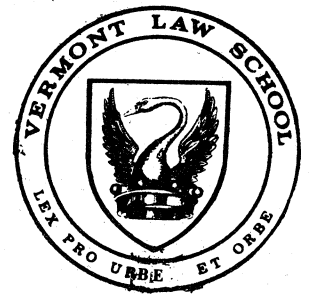


Vermont Law School FORUM

Vol. III Issue 12



May 5, 1978

ABA Review Team Visits

Vermont Law School received its annual accreditation physical during this past week when the American Bar Association's Review Team visited the school. The Accreditation physicians started their examination of VLS on May 1, 1978, by attending classes, speaking to students and faculty, and by analyzing other assorted areas among the School. After completing a thorough review, the ABA Review team will submit their report to the ABA

Accreditation Committee. If the Review team's prognosis of the School is favorable, this report may result in VLS taking a step toward receiving full accreditation.

The ABA Review team's report will break down VLS into six major areas of review. These areas are: Admissions, Faculty, Library, Course of Study, Students, Physical Plan and Finances. Under each of these areas, the team will report on the quality of admission standards, the School's outlook for future development in both the Library and Physical plan, and whether the students like the school and have a place to study.

Last year, VLS was not recommended to receive full accreditation due to difficulties in meeting the ABA's library standards. Since then, according to Dean Debevoise, the Library has expanded its resources to approximately 60,000 volumes and with this summer's renovations there will be seating capacity for 65% of the student body. Both of these features will meet not only the standards set by the ABA but also will satisfy the stiffer standards of the American Association of Law Schools. Dean Debevoise stated that VLS will seek admission to the AALS next year since most major law schools are members and since members of the VLS faculty are currently serving on AALS committees.

The ABA Visiting team is comprised of four law school professors from across the United States. The members of the team are: Professor Douglass G. Boshkoff, Chairman from Indiana Univ. School of Law; Professor David A. Thomas, Brigham Young University; Professor Allan D. Vestal, University of Iowa College of Law; and Associate Dean, Peter A. Winograd, University of New Mexico School of Law.

The report issued by the ABA Team will be forwarded to the Accreditation Committee to initiate the process of obtaining full accreditation for VLS. This committee will be turn submit a report to the ABA Council of Legal Education. If the Council of Legal Education finds that VLS warrants full accreditation, they will then propose a resolution to the ABA House of Delegates. The decision for full accreditation by the House of Delegates will not be made prior to February, 1979, but if full accreditation is granted VLS will be inspected by the ABA once every three years rather than every year as is currently done.

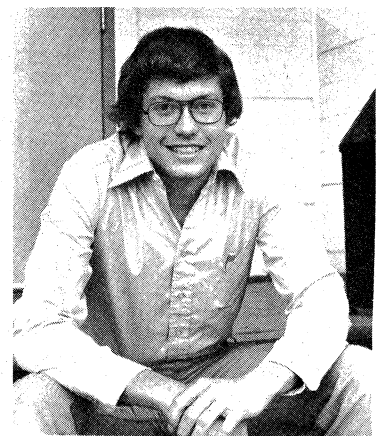
Professor Allan Vestal, ABA Visiting Team's representative from the University of Iowa, stated that he found the school was conducted in the traditional mode, during an informal discussion. He also stated that VLS had a good selection of library resources in comparison to other law schools seeking accreditation.

The rest of the ABA Team was available for informal discussion with students in the New Lounge, last Tuesday afternoon.

Millard is President SBA Election Results

After two run-off elections, the officer positions of the Student Bar Association have been filled. Presiding over the SBA will be Dave Millard as President after capturing 103 votes in the election. Other positions filled by the first run-off election were Class of 1979 Trustee, with Tom Truman winning, and Class of 1980 Trustee, with Duke Eaton taking the post. The 1980 Representative to the Admissions committee was also decided with Bill Brady elected to the position.

On May 3, 1978, the second SBA special election was held to fill the



Dave Millard

remaining vacancies. For the position of SBA Secretary Shauna Lynch received 58 votes to tie for the position with Jessie Marshall with 58 votes -- another special election is being held. After a grueling campaign, the remaining SBA positions were taken by: '79 Board of Governors Representative, Walter Roth, (unopposed); Judiciary, Ed Gurstein, (unopposed); ABA/LSD representative Julie Galinkin, (unopposed); Library Committee, '79, Nancy Colfax, '80, Ruth Litter, (unopposed).



Phil Leber

Clamshell Alliance Trains At VLS

by Tom Trunzo

On Saturday, April 29, eight VLS students and ten members from the local community participated in a training session for non-violent direct-action at the law school. Sponsored by the Upper Valley Energy Coalition, an affiliate of the Clamshell Alliance, the training is prerequisite to participation either as an occupier or support person in the occupation and restoration of the site of a proposed nuclear plant at Seabrook, N.H. on June 24.

The training included a range of discussions on the meaning of non-violence, how to respond to violence in a non-violent manner, decision-making through consensus (since there are no leaders, decisions are made by group agreement), legal consequences of civil disobedience, geography and approaches to the construction site, how to deal with the media and how to cope with stress. The group also engaged in role-playing where the participants acted out the parts of occupiers, Public Service Company officials, police, and provocateurs.

In addition to receiving non-violent preparation, all participants in the occupation and restoration are expected to abide by certain rules set forth at a

Clamshell Congress held earlier this year. Those rules require each person not to bring weapons of any kind, not to damage or destroy property, not to run at any time, to refrain from strategic movements after dark, not to break through police lines, not to bring dogs, to abstain from drugs or alcohol, and not to block worker's access to the site. In the event of any confrontation occupiers are further instructed to sit down and discuss the situation.

During the training session, the participants were told that the purpose of the Clamshell is to halt nuclear plant construction, since the members feel such plants are dangerous to all living creatures and to their natural environment. In a Declaration of Nuclear Resistance, the Clamshell holds that the direction of energy research and development is based on corporate efforts to maximize profits and to recoup past investments rather than on meeting real energy needs; that the export of nuclear reactors facilitate the spread of nuclear weapons; that the centralized nature of nuclear power takes control from local communities and strengthens utility monopolies; that changes in the national political and economic priorities would make renewable

energy sources competitive and would encourage conservation, obviating the "need" for nuclear energy; that nuclear plants are expensive, inefficient, and unreliable, requiring immense investments of capital and creating fewer jobs than comparable investments in conservation and solar energy; and that nuclear plants cause cancer and genetic disorders by release of "low-level" radiation; that they create deadly radioactive wastes that must be completely isolated from the environment for up to 250,000 years; and that they have the potential for catastrophic meltdowns.

The Clamshell Alliance requires that all occupiers be aware of the consequences of their actions. The state may choose to make mass arrests as they did last year. In that case it is likely that occupiers will be charged with criminal trespass, or possibly contempt, resisting arrest (if they fail to cooperate with the arresting officer), or disorderly conduct. Criminal trespass is a misdemeanor that carries a maximum penalty of one year in jail and a \$1000 fine.

The state may not choose mass arrest or mass incarceration since it is costly, focuses more media attention on the occupiers and

nuclear power, and creates a backlog in the courts. Alternative actions by the state include doing nothing with the hope everyone will get bored and go home; dispersing the occupiers with tear gas, water hoses, dogs, or horses; making selective arrests and handing down stiff sentences; using the police power allowing a four-hour detention without arrest to disperse occupiers from the site; and invoking a state of emergency that would greatly expand governmental powers.

The Clamshell also wants to

Spring Weekend Activities

by David Millard

This Saturday, May 6th, the SBA is presenting their first annual spring weekend. As of this writing everything was not yet finalized, but a tentative schedule includes at least five kegs of beer, a barbecue, a softball tournament, and soccer. The weekend has been funded through the combined efforts of the SBA, the Ski Club, the National Lawyer's Guild, the EAG, the Women's Union, Phi Delta Phi, and the Forum. Barbecue pits will be operating and picnic foods, salads, rolls, etc., will be provided by Jim Marshall of the Inn of Court. It is still uncertain

whether hamburgers and hotdogs will be provided, or whether it will be a "bring your own" set up. Check later publicity on this matter. Ray O'b.....is running a softball tournament which will sport teams of at least 3 women and 7 men. If you are not already on a team, come and join up with one. a 16" softball will be used so no gloves are needed. Everything will be held behind the South Royalton High School on the athletic fields. We're hoping everyone will come and feel free to bring family and friends. There's even a rumor the faculty will field a softball team.

Cont. on p. 2

Editorial

CONSTITUTIONAL LAW

On May 10 the Environmental Activist Group (EAG) will vote on the ratification of a new Constitution. The new charter, is well written and reflects an attempt by its authors to deal with problems they feel are inherent under the present EAG Constitution. Nevertheless, the Forum is convinced that the proposed change will so completely alter the basic character of EAG that the ratification vote should be postponed until the pros and cons are presented to the student body. Without such an explanation, the Forum must recommend that the proposed Constitution be voted down for the following reasons.

The original, current EAG Constitution extends membership to "all interested persons". There is no formal membership/application/acceptance involved, and no one keeps a membership list. Requirements in this area are minimal because the founders saw EAG as an "umbrella" under which interested persons could find funding and assistance for their various ideas and projects. Goals were purposely broad, and of course, pro-environment. EAG is a broad-based organization; power originates with the members and proceeds up to the steering committee, whose function under the Constitution is to implement the policies of the general members.

The proposed Constitution radically alters the entire structure of EAG. Even the name of the group will be changed from EAG to SEARCH, (Society for Environmental Action and ResearCH). (Art. I)* Last week the group received statewide publicity and recognition under the name EAG for their Environmental Awareness Days program. Why change the name now?

Under the proposed Constitution the membership requirements in SEARCH would change drastically, being limited to "VLS students interested in furthering the goals of SEARCH" who sign an "Official Roster" and fulfill attendance requirements at meetings. (See Art IV, Membership) The plain meaning of the words clearly excludes from membership professors, non-student community members interested in the environment, and even students concerned with the environment who may not be in accord with the official goals of "SEARCH". Is this the policy SEARCH wants to promote?

Finally, the item which gives us the greatest concern is Article XI: Ratification. Unbelievable as it seems, this proposed Constitution has incorporated within its own structure the means whereby it will replace an existing Constitution. Although this document has no status until ratified, it attempts to lay down the rules of procedure by which it may be declared valid. This it cannot do.

The procedure for modifying or amending the EAG Constitution is to be found in the existing Constitution, and nowhere else. Under that procedure the EAG Constitution may be amended by a 2/3 majority vote of the general members present at the meeting for which notice of the amendment vote has been posted two weeks in advance. All precedent and tradition indicates that, similar to SBA meetings, any student interested in the proposed Constitution can go to the meeting on May 10 and vote yes or no. However, you might not think so if you read Article XI of the proposed Constitution.

Article XI (Ratification) reads as though the proposed Constitution were already in effect. It requires the chairperson of the Executive Council to post notice two weeks in advance of the vote, although the current Constitution does not establish the position of chairperson (it's in the proposed Constitution, see Art. VII, §1). Further, Article XI requires that for ratification to be effective 2/3 of the organization's "official membership" must be present and participate, and two-thirds must vote affirmatively in order to ratify. Since there are no "official members" under the present EAG set-up (only participating members and people who can become participating members by attending the meeting and voting) it seems clear that the term is misleading; anyone but an active EAG member perusing the proposed Constitution would get the impression they were excluded per se from the decision-making process. Nevertheless, the ratification procedure is not governed by Article XI of the proposed Constitution, but by Article 9 of the existing EAG Constitution.

The proponents of the SEARCH Constitution may have valid reasons for desiring a change in the structure of EAG, but they must realize that other EAG members and potential participants also have a stake in the organization as it exists. The changes contemplated are sweeping and will turn EAG into a much more exclusive, structured entity. Even the name change is a serious issue to an organization and a school struggling for identity and recognition. Given the general, open structure of EAG as it exists, we feel that the people who fund the organization deserve a complete explanation of the reasons these changes are necessary. Additionally, ratification of any proposed Constitution must proceed under the guidelines of the present EAG Constitution. We therefore invite the proponents and opponents of the SEARCH Constitution to use this newspaper as a forum to address these issues to the VLS community.

* See SEARCH Constitution on reserve in library.

SC

THE VLS FORUM

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Opinions expressed in this newspaper reflect the subjective opinions of the authors and are intended to stimulate the academic community rather than represent a survey of campus sentiment or school policy.

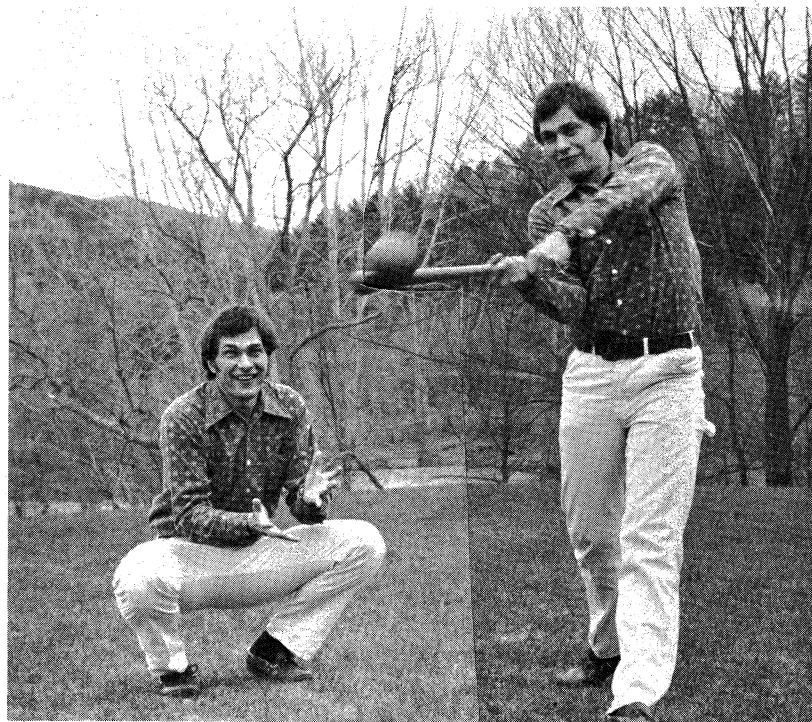
Letters to the Editor are accepted if submitted, typed and double spaced. Letters must be signed, although names will be withheld upon request. All articles, other than editorials, are heartily accepted.

Clamshell..... Cont. from p. 1

Clamshell views the injunction as a tool that links the utility company's property interests to the power of the state judicial system.

If the court decides to expand the injunction by request of the utility, more potential occupiers may be deterred from participating. It is important to note that law students who are convicted of contempt may be denied admission to the bar at a later date.

The Clamshell has nevertheless, invited lawyers, law professors, law students, and para-legals, to do legal work in connection with the occupation and restoration of the proposed nuclear plant. Legal expertise will be needed for negotiations with state and utility officials and assistance at arraignment proceedings and trials. Issues that will arise include criminal trespass, pro se defense, injunctive law, appellate procedure, pre-trial motions, bail, contempt, resisting arrest, prisoners' rights, effects of a state of emergency, jury nullification, and education of potential jurors to disregard the judge's instructions and vote their conscience.



Steve Judd demonstrates the double-play for spring party weekend.

BALLS

Have you ever thought what it takes to start and run a law school? During the past year, I have written about the leather balls it takes to play soccer, the 16" balls required for softball, and the balls it takes to call financial aid, AID, but the spunk required for each of these ventures is paltry when compared to the fortitude required to advance the day to day operations of a law school.

This is not an epitaph to former Dean Doria nor is it meant to be homage to Dean Debevoise because if it was, I would probably stop writing it as fast as I would stop reading it. I'd rather think of this column as merely my opinion of the people at VLS, who too often are apt to criticize or be criticized when law school life fails to meet their demands.

During the past week, I happened to find a copy of the Address to the Opening of Vermont Law School delivered at the first session of the School on July 16, 1973, and a few copies of the first FORUM from December, 1975. After reading both of these documents, I began to realize the metamorphosis that VLS has undergone during the past five years. With this realization, I have become excited with what the future may reveal for VLS.

Harold J. Berman, Story Professor of Law, Harvard Law School, stated in his opening address,

"You may ask, What guarantee is there that Vermont Law School will not fail? The first answer is, none. There is no guarantee. It may fail. The second answer is, You. You the students, you the faculty, you the administration, and you the friends and supporters of Vermont Law School are the guarantee against its failure. If you fail it, it will fail

you. If you have the will and the imagination and the faith that have gone into the founding of this school it will become a great school. The third guarantee that Vermont Law School will not fail (and by that I do not mean will survive, I mean will be great!) is its commitment to a vision of greatness.

Although Professor Berman generously bestowed grandeur on VLS, we must now recognize the YOU'S which prevented the School from failing.

In the first issue of the FORUM, Dean Debevoise wrote an article suggesting the outlook for the School's future. He wrote about the possibilities of a clinical program, a concentrated program in environmental law and changes in the physical structure of the building. Each of these possibilities have now become realities due to the perseverance of the Dean, the faculty and the students.

As we near the end of the school year and the Class of 1978 prepares for graduation, we should realize that we are losing the last of VLS's pioneers. Some of these students applied to VLS when even provisional accreditation was a rumor, a problem the Classes of '79 and '80 did not have to face.

The faith exhibited by the Class of 1978 should not be set aside for it is only by taking up this faith that the Classes of '79 and '80 will see VLS become a fully accredited law school by the ABA. I only hope that when the Review team asked for a student's opinion about VLS that their faith was worth more than a summarily answered, "It sucks!"

so it goes.....

"OB"

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PRESENTS

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May 4, 5, 6

SUPER MUSIC FOR A SPRING WEEKEND

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