

Editorial

The LSDB vote

When a lot of people spend a lot of time working on an important project, it becomes difficult to reject the result. The proposed Law School Disciplinary Board is such a project: We do need to supplement or improve the honor system, but the LSDB will not close the gaps in our current system.

LSDB would operate as a supplement to the Honor Committee. Many aspects of the proposal would improve the way we police lying, cheating and stealing. These timely changes include multiple sanctions, increased faculty participation, and heightened procedural protection for the accused.

Despite these positive steps, the proposed LSDB does not provide an adequate solution to the deficiencies of the University honor system. In fact, it is not clear what the Board would actually do, since its jurisdiction would be limited to violations by participants in Moot Court, journal tryouts, Legal Writing, and flexible examinations. In addition, acts that are "within the scope" of the honor system are outside of the Board's jurisdiction. This proviso seems to remove all of the listed areas from LSDB consideration; as Josh Henson (accused of cheating in an intermural Moot Court competition several years ago) can testify, the honor system in fact covers acts outside of academics. And we cannot understand why a violation committed during Legal Writing or while taking a flex exam is outside of the honor system's scope when both clearly involve academic work.

The Board will also be limited by the exclusive jurisdiction of the Honor Committee over cases that reach the accusation stage. This provision removes the most important cases from the LSDB, since students who have committed an offense serious enough at first blush to warrant expulsion but which an Honor jury determined to be nonserious will not be subject to further proceedings.

The SBA's proposal is the product of a long and careful deliberative process, and it would provide several needed reforms of the Law School's policing system. However, the LSDB is not comprehensive enough to solve the minor cheating problems we have. We recommend rejection of the LSDB, but we urge the Student Bar Association to remain committed to the ideals behind this proposal and take the lead in pressing for University-wide reform of the honor system.

A veteran of the battle

By Jared Burden

The last exam was done, and my eyes let themselves focus on trees and mountains which were 50, 100, thousands of feet in the distance. The cold rainy wind rushed by my car and made silver rivulets of water on my side window. It was time for the warm fingers of vacation to begin to make history of a month of anxiety.

I had not stopped to rest, relax, buy a six pack, get bent. I had wanted to get in the car and drive away. As I drove and watched the rain rush at me I imagined myself as a survivor of a bloodless war which everyone had watched and cared about as much as me.

I arrived home intellectually aware of the fact that I would need to decompress. Putting this into motion was more problematic. I raised my voice at my girlfriend when she was late to meet me, and I chafed at having to go with her on an errand: in my mind, we were wasting time, though there was nothing to hurry for.

That night we went to a crowded bar that was full of students emerging from private ordeals and non-students slogging through the ordeal which is life. I looked around and thought that surely my experience had been among the most difficult. I talked ad nauseum about things which could not have been interesting but which (sadly perhaps) had been the guts of my life: professor's mindsets, exam strategies, pressure. As I spoke I realized I was still coming down, that I had to give it time, that you just couldn't get over such an experience like your first exam period that quickly. And as I spoke I watched the faces of my friends and I could see that the place from whence I came was not the center of their own universes.

I got angry, inexplicably, annoyingly, at the waiter when he was slow in bringing the beers.

First year

The experience

As I woke up the next morning, lying in my bed 24 hours after an early morning pre-exam breakfast, 120 miles from the nearest bluebook, I remember thinking to myself vaguely: there must be something I should do, I must go and accomplish some task.

When later that day I allowed myself to settle into the couch without something in my hands to read, to justify the comfort, I started down the road to doing up life as it was supposed to be done just then. Vacation went well. The time went so fast. I like law school, but this was the first Christmas break that truly ended too soon.

You see, in the back of my exhausted mind that day as I drove through the rain and looked at the trees — anything that wasn't a book — there rested this latent, unspoken, unconsidered feeling that it was over. All over. The whole first year was done, or at least the tough part. Somehow the bridge had been crossed. When vacation ended, and I had to make peace with books I had left behind on my desk without a backward glance, I found myself scraping the sides of the jar to find the energy to proceed.

The jelly jar is full again, so to speak, but only because I stopped trying to fight the tiny little changes you have to make as you move between the spheres of your life. I'm taking energy once again out of the thoughts on the printed page. I'm in bars drinking Budweisers with friends who know what I'm talking about, even when I don't. I measure progress in pages read and brain cells stretched.

You make peace with where you are.

LSDB

To the Editor:

The Student Bar Association urges you to vote in favor of establishing the Law School Disciplinary Board (LSDB) in the referendum election to be held at the School of Law on Feb. 13 and 14. The LSDB proposal is the culmination of the SBA's efforts to establish a supplementary system to the University Honor System for the Law School. The SBA completed its work on the LSDB Constitution and By-laws in late November, 1984.

Over the past decade law students have become increasingly concerned over the harshness of the single sanction of expulsion and the inability of the University Honor System to address violations of lying, cheating and stealing that do not warrant permanent dismissal from the University. In a referendum held in the fall of 1983, law students overwhelmingly voted in favor of the SBA examining the possibility of establishing an honor system for the Law School. The SBA responded to this mandate by forming the Committee to Design a Model Honor Committee. After six months of meeting with faculty, students and alumni, this committee designed a model honor system based on the following criteria: participation, confidence, sanction proportionality, simplicity and fairness. This fall the SBA borrowed heavily from the committee's report in writing the constitution and by-laws for the LSDB.

The LSDB is an attempt by law students to address concerns specific to the Law School that are not currently being addressed by the University Honor System, while remaining within the University Honor System. The preamble to the LSDB Constitution states that the LSDB shall "address violations of lying, cheating, and stealing occurring in Law School activities which are not considered within the scope of the University of Virginia Honor System." The specific Law School activities covered by the LSDB are listed in By-law 1.1: "journal try-outs, Moot Court or other Law School competitions, First-year Legal Writing, and Flexible Examinations."

Violations of lying, cheating and stealing that are not "serious," i.e., not deserving of permanent dismissal from the University, are not covered by the University Honor System. Thus, as demonstrated by recent honor cases, grave but non-reprehensible offenses are not currently being addressed by any system. The LSDB, if passed, would be able to handle such cases in the enumerated Law School activities since its sanctions range from letters of reprimand to one-year suspensions.

The LSDB by-laws provide two checks to ensure that cases warranting permanent dismissal are investigated under the University Honor System. First, By-law 1.5 states that the LSDB "shall have no jurisdiction over cases being investigated under the University of Virginia Honor System." Law students witnessing acts that are possibly reprehensible under the University Honor System are not foreclosed by the LSDB from pursuing an honor investigation. (The LSDB shall have jurisdiction over cases which are dropped from investigation before an accusation under the University Honor System). Second, By-law 2.6 states that the pre-trial panel may refer a case to the University Honor Committee if it believes the Honor Committee is a "more appropriate body" to hear the case. This provision ensures that the University Honor System will be the first body to address cases that may warrant permanent expulsion from the University community.

Several aspects of the LSDB differ from the procedures of the University Honor System. In addition to ensuring that the University Honor System hears ap-

propriate cases, the SBA adopted a pre-trial procedure because it believed no single person should have the power to determine whether a disciplinary violation may have occurred or whether certain charges are appropriate for trial. The pre-trial procedure takes these decisions out of the hands of individuals and requires that three elected representatives make these determinations. This process should improve consistency in prosecutions for possible violations. Furthermore, the pre-trial procedure is designed to make the accused student aware of the charges against him and of his rights within the system.

The LSDB trial procedures also differ from those of the University Honor System. First, the LSDB proposal contemplates a change from the traditional adversarial trial procedures. It eliminates lengthy and strategic questioning of witnesses by counsel; instead, it provides for short statements by the investigator and the accused student, followed by the statements of witnesses whom the panel also will question. The accused student or his defense adviser may question any witness to clarify his testimony.

Second, the LSDB trial procedures provide for separate votes on guilt and sanction determinations. The trial panel may examine evidence of mitigating or aggravating factors after guilt has been determined in order to determine the appropriate sanction. Aggravating factors include past LSDB convictions; mitigating factors include sanctions already imposed by other Law School groups.

The SBA believes the LSDB proposal addresses the concerns of both law students and the University in general. Much time and effort has gone into the development of the LSDB. We strongly urge you to vote in favor of the establishment of the Law School Disciplinary Board on Feb. 13 and 14.

The Student Bar Association

Grievances

To the Editor:

In recognition of Black History Month, BLSA (Black Law Students Association) will be using this space in the following weeks to elaborate on some of the problems we have with the University of Virginia Law School. It is our hope that this letter and the others that will follow will raise the consciousness of both administrators and students to the problems black students face at the Law School and the need for change. This first letter will highlight our concerns.

Last semester the Law School faculty approved a plan by which three black third year law students will participate in the deliberations of the Admissions Committee Subcommittee on Minority Admissions. The problem with the plan is that BLSA has no control over which students will serve on the subcommittee. The faculty adopted this method of selection, despite the fact that the SBA (Student Bar Association) appoints students to various committees in the Law School. Surely, it is apparent to all that what the SBA is to law school committees in general, BLSA is to the Minority Admissions Subcommittee. BLSA can find no logical reason for the disparate treatment between two democratically elected student organizations. BLSA resents such treatment and finds it patronizing.

Currently, the Law School has three black faculty members. Only one of these professors has permanent status. As far as BLSA is aware the Law School's Appointments Committee (which is responsible for faculty recruitment) has made no effort to attract new black faculty members to the Law School. BLSA can only wonder if it will take another student boycott of classes to bring more black faculty to the Law School.

Letters

Each year literally hundreds of law firms come to recruit UVa law students. Many of the larger, more prestigious firms have over 100 lawyers, but have no Black attorneys. Yet every year they come to the Law School and pay lip service to the goal of equal opportunity employment by interviewing black law students. Every year they leave and when hiring decisions are made, no Blacks, be they from UVa or elsewhere, are chosen. Any law firm that has not demonstrated a commitment to hiring Blacks, as well as other racial minorities, should not be allowed to recruit at the Law School. We ask the Administration that these law firms be banned from recruiting at the Law School until such time as at least one black lawyer is hired.

The final insult to black law students is the Administration's decision to name the Law School building "Henry Malcolm Withers Hall". Withers was a soldier and supporter of the Confederate Army. Naming the Law School building after a Confederate soldier shows an appalling lack of sensitivity on the part of the Administration. There is nothing glorious or romantic about the Confederacy. The Confederacy represents a society that raped our great-grandmothers and emasculated our great-grandfathers. To pay tribute to a man such as Withers is to glorify a society that violated all the laws of human decency. Since the Law School has seen fit to recognize Withers in this manner, BLSA demands the Law School name the Moot Court Room after a black American in recognition of the financial, cultural, and jurisprudential contributions we have made to this school, this state, and this country.

BLSA
Donald McEachin
LAW II

Kidcare

To the Editor:

Virginia Law Women was not surprised by the results of a recent poll inquiring into the need for child care within the University community. The lack of any generally available facility at a

university of this size demonstrates a deplorable lack of concern for the needs of students, staff and faculty trying to combine child-rearing with education or employment. This oversight is particularly burdensome to women, who are generally the primary care givers.

Low cost, quality, reliable child care is essential in any university community. The difficulties of locating a suitable, easily accessible child care facility can exacerbate the stress of being a full-time student of staff member.

Those polled expressed a willingness to pay for these services. With 522 possibly eligible children identified by the poll plus the many who weren't reached, the costs a child care center could largely be offset by those utilizing them. Other possible cost-saving alternatives include establishing a cooperative, using students as part-time staff, and employing volunteers from the community. Even if the cost is not 100 percent offset by such measures, Virginia Law Women firmly believes that the University has an obligation to establish these facilities in the immediately foreseeable future.

We are pleased with the initiative of those involved with the University-wide survey, and ask the Vice Presidential Planning Group (to whom the results have been submitted for consideration) to make the creation of adequate child care facilities a number one priority. In addition, the specific child care requirements of the North Grounds community require special attention. A needs assessment of North Grounds alone must be conducted. Once the number of children to be cared for can be estimated, steps must be taken to create such a facility. With the upcoming expansion of the business school and Cafe North, and the construction of recreational facilities, space could easily be allocated for a North Grounds child care facility. Virginia Law Women urges serious consideration of such plans and looks forward to their realization in the near future.

Virginia Law Women

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