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There will be no appeal of this decision

Stassen and Geckle edge Fairbanks and Baddour in Mock Trial

By Brian E. Falvey
Editor-in-Chief

In a close battle, the team of Rob Geckle and Bill Stassen defeated Katherine Fairbanks and Julia Baddour in the finals of the 1995 Mock Trial Competition.

"Bill and I were just happy to make it to the quarter finals," said Geckle. "Everything after that was just a pleasant surprise. We were extremely surprised to have the success that we did."

Geckle was surprised because of the high caliber of their opponents. Throughout the competition, they faced many talented "attorneys" that gave them true runs for their money. "During the trial, I would say to myself, 'these guys are killing us.' For whatever reason, the judges gave us the nod, so I was always very surprised," said Geckle.

Stassen had the same feeling. "I thought every team that we went up against did a great job," he said. "Quite frankly, more often than not, we left thinking that we lost. We were really quite impressed with



Bill Stassen and Rob Geckle will try to add a National Mock Trial trophy to the BCLS display.

all of our competitors, peers and colleagues."

The high level of talent involved in this year's competition is actually consistent with competitions from years past. Boston College regularly sends teams to

the National Mock Trial Competition in Dallas, Texas. The first step in getting there is competing in the Northeast Regional Mock Trial Competition in Maine against other area law schools. BCLS will send a team of six to that competition this

year, coached by Cathy Byrne and Paul McManus, both excellent litigators. Stassen is optimistic about the team's new coaches.

"They're both experienced trial attorneys," he said. "This is the first year they're coaching, but they seem really nice from speaking with them so far."

The final team will consist of the four finalists from the BC competition and two additional individuals, selected by a try-out. When the team is finally set, it will be divided into two groups of three that will compete separately. Eventually, the regional competition winner and runner-up will advance to the national competition.

Until then, Geckle and Stassen will enjoy their success in the BC competition, for which Geckle humbly credits his partner as a major reason. "Bill was a real pleasure to work with. He's a really nice guy and a very smooth person," praised Geckle. "I owe a lot to Bill. He's got a really easy going style; he's much

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Parking problem driving away

Short term focus clarifying rules, communication

By Brian E. Falvey
Editor-in-Chief

"There were negative spots - there were more cars than spots."

So said Ben Sherwin, commenting on the results of a recent informal study by Dan McDonald of the Parking Appeals Board (PAB), of which Sherwin is also a member. Sherwin recently joined the PAB, with the encouragement of LSA President Juliet Kalib, in response to a growing concern over the frustrating parking situation at BCLS.

"My involvement is in response to the fact that people feel that there is an inconsistent application of the parking rules," said Sherwin. "I think that once we settle on what the rules are, number 1, and number 2, agree that the administration is not avoiding the problem, things will get better."

According to Sherwin, the parking problem breaks down into two sub-problems: definition and communication.

"The real problem is people don't know what the rules are," said Sherwin. "They can park anywhere and say, 'I didn't know.' I think once the rules are laid down, and a map is drawn out, people will have little recourse. At least people won't feel they're getting screwed. I can't stress enough that if people know what the rules are, they may get mad every once in a while because they couldn't find a spot and they have to drive around for a while, but, when you park somewhere four days in a row, and on the fifth day you get a ticket, it's just not cool. Then you're like, 'Is it okay, or isn't it?'"



Friend or foe? A BCPD officer writes up a ticket near the chapel.

Sherwin is attempting to address the problems that have received little attention from an administration that thinks the problem will resolve itself.

"The administration keeps hoping it gets better. 'In the spring, it will get better,' they say," said Sherwin. "The attitude is that the people will just deal, but I think the people are tired of dealing. The administration thinks there are enough spots, and people are parking illegally because they're lazy. You can't discount it all to laziness."

Sherwin feels the PAB will help to alleviate the problem. With the help of Marjorie Sherman, who has been on the PAB for 17 years, and Dennis Sullivan, a new member from the Parking and ID Office, the board should be able to reach at

least short-term solutions fairly quickly.

"The PAB has been receptive to addressing the problem correctly," said Sherwin. "We're now meeting weekly instead of monthly. It's a serious problem; we're addressing the problem correctly. I don't think they're jerking me around at all. Although they do have their own agenda and own concerns, which sometimes conflict with ours, they've been willing to hear me out."

The PAB's first goal is to improve drivers' knowledge of the parking rules of the campus via increased signs and the use of publicly displayed maps indicating what parking areas are legal. "People aren't really mad because there's not enough

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COMMENT

Do not underestimate the power of "Esq." Especially liberal arts, social and political science graduates

By Michael O'Brien
News Editor

As Christmas approaches, many BC law students have been seen sending letters addressed to the North Pole, attn: Santa. What do these boys and girls want? A job! Good Lord, their kingdoms for a job! Of course, their kingdoms are not worth very much. That is why they are desperate for a job. But the legal market is "tight." The job search is "tough." Or is it?

This is my attempt to put things in perspective.

As I was perusing BC Career Services' *Guide For Employers*, I noted some interesting information. Roughly half of the class of 1997 had "prior employment," which means that roughly half of the class did not. "Prior employment" is a nice

phrase. It is vague to the point of vacuity. Does it include part-time work? Does a paper route count? For the sake of argument, I will assume the best – that those "prior employed" gained skills somewhat useful to a prospective legal employer.

But what about the other half of the class? Those who had no "prior employment." Who are they? This is pure speculation, but my guess is that the majority come from the Liberal Arts/Humanities/Social and Political Science programs. You know – those disengaged from pragmatic concerns. And I am not talking about the philosophy of James and Dewey. I'm talking about that almighty greenback.

What do these students have to offer a legal employer whose business is turning a profit? They know nothing of the fundamental transaction of business: The Sale.

They don't know how to make a pitch, they don't know how to close a deal.

What about their undergraduate education? Surely it is worth something. Perhaps an English major could give a Freudian interpretation of *Pennoyer v. Neff*. An Art major could produce the exhibits needed for trial. Political Science? As we all know, if you need to put "science" in the name, it most assuredly isn't.

Fear not, young ones. Yes, if it were not for your astronomically high LSAT score and the promise of a J.D. from this fine institution, the only job you could get in that big, high paying, firm would be in the mail room. But you got the high LSAT score and were admitted to this fine institution, dammit! Because of these facts, Santa does have something for you. He has a four character word waiting for you. It's "Esq."

Do not underestimate the power of the "Esq." Because of the "Esq." clients will pay you ridiculous sums of money to work for them. Because of the "Esq.," a mythical transformation takes place when confronting employers. You are no longer viewed as a worthless by-product of federal grants for the Humanities. You are viewed as a discrete money-making machine that can be plugged into their business.

If you take only one thing away from this rambling chain of sentences, remember the difference the "Esq." makes. Without it you are working the night shift at Burger King. With it you are working hard but sitting pretty. Trust me, there are many employers out there with "Esq." stamped on their foreheads. (You have to view it from an angle, like a hologram.) Now go out and find one!

Sex bias double standard A minority's view of the minority view

By V. Vincent Lee, 1L
For the Alledger

I've been pleased but wary that there seems to be relatively little of that scourge of the 90's, Political Correctness, here at BCLS. (From what I read in the Main Campus' newspapers, I fear there might be a little more of it over there.) My one area of PC concern is gender issues. I've just been reading one of these free student magazines that floats around campus, *National Jurist*. This issue was themed along the lines of discrimination against women in law schools, and frankly I found many of the examples shallow and unimpressive.

I don't doubt that discrimination of the undesirable kind occurs to many people in many places. As a member of a racial minority, I could tell you a few stories of my own. But I also think that if you are looking for something you are likely to find it, and if you are convinced you are a victim of discrimination, well...

For instance, the article said that the Socratic method "disables" women from performing up to their potential. (Nice play on words, since of course the "disabled" are always right, right?) The article said that "a certain personality type", which "happens to be more prevalent in women," is discouraged by the Socratic method (and therefore the method should be changed). Gee, something hard was discouraging? Too bad!

Now, apparently, it's PC permissible for a woman to attribute group characteristics to women when claiming discrimination. But if a male were to attribute group characteristics to women claiming that therefore women were less suited to becoming lawyers...well, better duck and cover.

It was said that one woman "lost heart" when her grades did not match her LSATs. Did she think she had a "right" of some kind to have her grades match her LSATs? Maybe we should not grade, just pre-assign class ranks based on LSATs, and not disappoint anybody. Or maybe we should add a Socratic

component to LSATs to make them conform better to grades. And does she think men are never disappointed?

To me, "outcomes based" discrimination tests beg the question. Instead, I ask, does the Socratic method have validity in training to practice law? Remember, lawyering, and not grades in and of themselves, should be the real goal. If Socratic method is irrelevant to lawyering, then change it. But if it is valid, then let the chips fall where they may. And if this results in lower law school performance by women, well, that's the way it is.

I see no moral authority in the proposition that every group is entitled to equal outcomes in every endeavor. A system which would intentionally slant grades in any direction other than our best (though inexact) try at predicting actual professional performance, does no service to the protected group (and obviously is unfair to the expensed group).

Nowadays minorities tend to think of proportional quotas as minimums in their favor, forgetting the old anti-minority maximum quotas, like limits on the number of Jews. Here in the 90's, in some university admissions, Asians were considered to be getting more than their "fair share," and had their numbers limited.

I expect I'll be the subject of various ad hominum attacks from various quarters for this article, as being anti-women. If only they knew about the type of women in my family, about (on the theory that the friends you pick tell more about you than the family you're stuck with) the type of women I have historically had for friends and lovers (including the lawyer, a summa cum laude grad, that I used to live with). I instead claim to be pro-fairness.

So, let's keep examining our procedures to make sure we are not, intentionally or unintentionally, unfairly discriminating. But let us not be so hasty and intellectually unrigorous as to assume that statistical differences in outcomes are per se proof of unfairness. A race is won by swiftness, perhaps by stealth, and not by proportional share.

LETTERS TO THE EDITOR

BSA: Professors' obligation is not 'formal'

Dear Editor:

Thank you for your story about the Mock Trial Competition. The Board of Student Advisors would like to further address some of the issues you raised.

Many faculty members who were not named in the article helped with the competition. We would like to thank, among others, Mary Helen McNeal, Zyg Plater, Frank Herrmann and Josephine Ross. Some of these professors agreed to judge rounds during the day in order to accommodate students whose planned rounds had to be rescheduled.

Professors have no formal obligation to act as judges for the Mock Trial Competition. Mock Trial, like all competitions run by the BSA, is a student-run activity. It is planned and organized by students for the benefit of the students who compete. The Law School provides funding and an advisor, and awards credits to BSA members – whose duties include an academic component, like designing the problem. Much of the funding comes from an independent fund, the William G. and Carol E. Simon Oral Advocacy Program. The Law School does not include the use of its professors in the deal.

Also, many of the best judges are trial judges and active trial lawyers who can quickly apply the rules of evidence and civil procedure and know how a courtroom should be run. Most professors, on the other hand, tend to be best acquainted with appellate advocacy.

However, there are good reasons for professors to support the academic competitions as part of their overall

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NEWS & VIEWS

From Sherlock Holmes to Marcia Clark Forensic science's increasing acceptance, use in trial practice

By Carl N. Edwards, 1L
For the Alledger

While science has kept pace with modern life, and death, court rules and procedures have often worked to paradoxically complicate the work of forensic scientists like the Crimson Plume's Dr. Henry Lee. In 1923, in an attempt to assure the quality of forensic evidence, a District of Columbia court considering the results of an early lie detector held that the proponent of evidence must show that the experiments or procedures on which the evidence is based are generally accepted in their field. The *Frye* test, after the case of that name, was adopted by most state courts and became Rule 702 of the Federal Rules of Evidence.

Galileo's Revenge

While *Frye* was intended to assure the quality of scientific evidence, acceptance and validity are not necessarily synonymous. Scientific and statistical fallacies pervade popular culture, and as these gradually found their way into the courts, *Frye* increasingly blocked the introduction of leading-edge scientific findings that could have refuted the "junk science" which often seemed to dominate high-stakes litigation. Toxic torts provided a vivid example. Birth defects caused by the sedative Thalidomide were widely publicized, yet substances that actually cause birth defects are rare and usually have a specific impact on critical periods of biological development. Unusual patterns of adverse outcomes, however, have led people to file suits against a range of substances and conditions, including Agent Orange, despite a total lack of scientific support and the presence of valid alternative explanations for the complaints.

High-stakes cases tend to be emotional, and the potential for injustice demands objective analysis, and that injustice, being perpetrated in the name of science, alarmed the entire scientific community. In 1991, Peter Huber, an MIT-trained engineer and former law clerk to Sandra Day O'Connor, gave voice to that concern in his book *Galileo's Revenge: Junk Science in the Courtroom*. Two years later, the issue came before the U.S. Supreme Court in a case which centered on the birth defects of young Jason Daubert.

This case posed a major dilemma for the scientific community. Jason's parents believed that their son's condition was due to his mother's use of the anti-nausea drug Bendectin during pregnancy. Support for that belief came from a study in the junk science tradition which contradicted solid research showing that Bendectin was safe. Plaintiff's study did not meet the *Frye* standard. Proponents of evidence reform also wanted to overturn *Frye*, but in supporting *Daubert* they would be appearing on the side of the very junk science they hoped to defeat. Ultimately, a set of powerful amicus briefs, some by Nobel-prize winners, persuaded the high court that judges must admit evidence not on its general acceptance, but on the basis of its scientific validity, and its applicability to the facts at issue.

The Second Forensic Revolution

Everyone favors good science. The issue for the high court in *Daubert v. Merrell Dow*, however, was whether attorneys and judges could recognize good science when they saw it. Under the old standard, courts simply relied upon a limited set of standard procedures. The new standard required the court to evaluate each piece of evidence by scientific standards, and Chief Justice Rehnquist, while making it clear that, "I defer to no one in my confidence in federal judges," was openly skeptical. Clearly, *Daubert* was about to usher in a second forensic revolution. The unanswered question was whether the open floodgates would bring in enlightenment, or simply more trash.

This was the question on the minds of most AAFS members as they headed for their annual meeting this past February. While no one person can ever become an expert on every one of the forensic sciences, the AAFS annual meeting provides an opportunity not only for each discipline to hold its own separate convention, but also for everyone with a role in litigation to compare notes, develop ways of working together, and consider the larger picture. Workshop sessions address this in the context of actual, often high-profile, crimes in which leading experts detail the contribution of each specialty to the building of an effective, unified case. It is here that attorneys learn the nuts and bolts of forensic science and gain experience in the application and use of scientific evidence and the testimony of expert witnesses. This is one of the processes through which attorneys can earn fellow status in the Academy; one of the most respected credentials in modern litigation.

On the eve of the meeting, however, Judge Lance Ito joked on national television that the O.J. Simpson trial may have to be halted because, "all of the experts have gone to Seattle." The next day, members making their way between sessions on topics like the use of DNA in paternity litigation and the validity of "recovered" memories were confronted with news crews asking everyone if they thought O.J. was guilty. "I have no idea," was the inevitable response, "I haven't seen the evidence." "But if you had," the interviewers persisted, "what would you think then?"

Over the next nine months it would become clear that the O.J. trial, then a seeming distraction from the important task of considering the future of forensic evidence, was in fact an excellent look into that future. The Simpson case pitted an old-style prosecution team against a defense that had mastered the substance and politics of evidentiary science. While Marcia Clark understood her evidence in terms of its meaning to her, and built her case in those terms, the defense effectively underscored the consequences of any attempt to rely on evidence and testimony that is neither fully understood nor effectively monitored or preserved throughout each step in its chain of application.

For the forensic community, the Simpson case was also a sad tragedy. California, the birthplace of applied scientific criminology, suffered in public a defeat which many professional observ-

ers have watched unfold for decades. The heart of all science is not in its hardware, but in its people, and Galileo was simply among the first to discover that the public arena can be unforgivably hostile to scientists. Thomas Noguchi fought a long but ultimately unsuccessful battle to preserve the integrity of criminal science in Los Angeles, and the job expectancy of medical examiners and lab chiefs is notoriously poor in any jurisdiction that does not respect scientific integrity and protect its proponents from political interference.

Under the best of circumstances, an expert witness can expect to be battered by the cross-currents of argumentative discourse. By giving voice to his concerns and those of a growing number of his most respected colleagues, Henry Lee's testimony in the Simpson case provided a public demonstration of the finest tradition of science acting to right a potential wrong. While this effort may have been reminiscent of Galileo, it also reminded scientists close to the case that many of the dangers faced by Galileo remain with us today.

On the positive side, however, the first returns on *Daubert* have been overwhelmingly positive. The junk science, which formed the basis for Jason Daubert's original litigation was thrown out on re-trial

under the *Daubert* standard on the basis of a newly established criteria which looks with disfavor upon evidence created specifically in support of litigation. Judges, which many doubted capable of distinguishing good science from bad, have been doing their homework, as unprepared attorneys have, or are about to discover. One federal district judge whose background in both civil and criminal law prepared her well for the new standard is Nancy Gertner. This Spring, Boston College Law School will be privileged to have Judge Gertner teach a course specifically directed to the issues which will shape the coming forensic revolution.

While the craft of lawyers is the law, trials are always about facts in dispute. For any true connoisseur of litigation, there are few challenges or satisfactions that can match the experience of a trial based on the development and successful presentation of a complex quilt of seamless physical evidence and expert testimony. Now, as never before, this ideal has the potential of becoming an expected standard.

The jurisprudence section of the American Academy of Forensic Science has attorney and student membership categories. For more information, call 1 (800) 701-AAFS.

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Top 10 Ways To Know Someone Has An Offer

By Laura Doyle, 2L

10. They share with you their "pain" of having to decide between offers.
9. They stop buying stamps and resume paper in bulk.
8. They're not considering calling up that great uncle who said he once "dabbled in the law" and asking him if he knows of any job openings for other dabblers.
7. They're never seen again – in the career services library.
6. They don't attend the job-search technique sessions so as to avoid being seen by others.
5. The suddenly become expert advice-givers on how to get an offer.
4. They put away that fall suit and begin planing their summer wardrobe.
3. They stop running to the pay phone every ten minutes to check their answering machine.
2. They walk different... with a renewed sense of purpose and zest for life (the money walk).
1. They suddenly seem interested in your life... "Hey, have you heard any good news?" Meaning, "I have good news. You don't. Let's talk."

For drivers, there's no humor in parking

Continued from page 1

parking; people are mad because it's random, it's arbitrary," noted Sherwin. "To tell law students, people who associate arbitrary with capriciousness, that something is arbitrary, they feel like they're getting "taken," to put it nicely."

In increasing students' awareness, Sherwin will be creating a parking bulletin board in the main corridor adjacent to room 315 on which will be posted parking regulations, maps, policy information and announcements. But, these policies cannot be made public until they are agreed upon internally. "[The bulletin board] will happen as soon as we have a policy. I'm not going to put up bull---- information; I'll wait until I know what's going on," said Sherwin. "Hopefully it will be sooner than later, and at the latest, certainly by next semester."

Before awareness can occur, the PAB and the police department must agree on a parking policy that will be consistently enforced. Many suggestions have been made, including making certain lots exclusive for permit holders. One of the downfalls of the present system is that paying for a permit is not necessarily advantageous to the driver. Without a sticker, students can essentially rip up any tickets they receive without any fear of recourse by the school. On the other hand, permitted drivers' tickets are billed directly to their student accounts because their cars are identifiable by

their stickers. The irony is that not purchasing a sticker is actually advantageous, a problem the PAB will redress before next year. Until then, the parking crunch will have to be dealt with via ticket appeals to a more sympathetic appeals board. However, Sherwin warns that the board will not be naively sympathetic.

"The fact is, most parking appeals are because people either didn't feel like parking somewhere, or were rushed to class, and in that case, you deserve a ticket," warned Sherwin. "The problem is trying to separate out the one that just parked in a spot that was only technically illegal because there were just no spots."

That differentiation will be made easier by the first part of the solution: defining legal parking. Once in place, appeals will be limited. However, that does not mean that there will be enough parking for permit holders or visitors.

"It's understandable that you'd have more stickers than spots," said Sherwin, referring to the sticker policy premised on the fact that not everybody is here at the same time. "The problem is when you don't have enough spaces at the peak times. It's not enough to say that at other times there are enough spots. People are parking illegally because they have to, not because they want to."

Sherwin has some recommendations for the ultimate solution to the problem: more spaces.

"I think the way a lot of the spots are drawn up is inefficient," he noted.

"I think that if the space was used more efficiently, especially in the lower lot where a whole potential row of spots is unused, it would help the problem."

Sherwin referred to a proposal to re-line the lower lot near the Quonsett Hut to accommodate more cars more efficiently. Unfortunately, even the best ideas in the world face the same obstacle facing lesser ideas.

"It's a problem that needs to be addressed with money," said Sherwin. "These are stop-gap solutions. There's a reluctance to work on long term solutions because they've sunk so much money into the school already."

Until any real long-term action is taken by people with the power to implement such changes, the short-term changes to be implemented by the PAB will at least help to mitigate the problem. The bottom line is evident: Newton Campus needs more parking. Stickers and ticketing can be realigned to the hilt, but these solutions tend to avoid the real problem. The bright side is that these short-term solutions appear as though they may work, for now.

"There will be better communication between the people that make the rules, the people that enforce the rules, and the people that abide by them," said an optimistic Sherwin. "Basically, the people that are in charge seem to be interested in helping us out. Reasonable parking will be achieved by next semester."

Poor Muggs

By Dave Tucker, 1L

When Susan P. became a grad,
She got a puppy from her dad.
"His name is Muggs!" she said with glee.
They lived in Portland happily.

He had sad eyes and floppy ears
and wagging tail denoting cheer.
A guard dog and a friend for life –
But one day Muggs got in a fight.

He came back scratched,
so many wounds –
Sue hoped the vet could mend him soon.
Muggs really didn't want to go,
He hated Dr. Newman so.

He whimpered, cried, and whined,
and pulled,
But Muggs was wholly overruled.

When Dr. Newman had a peek
She said, "Oh, these are just skin deep!
An easy fix, I'll have you know.
Cost of ninety bucks, or so!"

Sue Petra kissed her Muggs goodbye.
"He means the world to me!" she cried.
"He's the closest friend I've got!"
And then she thanked the vet a lot.

The vet's job, though, was rather rude,
Since Muggs was in a nasty mood.
He barked, he snapped (3 times, about)
So Dr. Newman knocked him out.

But Muggs, while under, coded Red;
His heart had stopped;
poor Muggs was dead.

Sue Petra cried; she wept; she wailed;
She wanted Dr. Newman jailed!
She demanded Dr. Newman pay!
She filed suit that very day.

"A million! Not a penny less!"
The claim: Emotional Distress
For conduct past outrageous bounds
Collecting bills incurred by hounds!

Now it's our job to reason well,
to see if there's a chance in hell
that Oregon will grant relief
for Susan Petra's fright and grief.

The finest dog the West could boast,
To him we now proclaim this toast:

"To poor old Muggs, who gave his all
So we could learn to research law!"

Mock Trial team ready for regional competition after victory

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smoother than I am."

But, Geckle also admits he and Stassen had a little help from their friends. "We were able to use the exhibits of Rob Brennan and Dan O'Connor in the finals," he said. "They had some blown-up chalks that were great."

"They said if we got interviewed by *The Alledger* that we had to credit them with our victory," joked Stassen, who then related some of their real strategy for success.

"Nancy Carroway was a sympathetic witness so we had to approach her that way. And, I think having a good theme for your case helps," he said. "The one important thing is that we approached it as though we were telling a story. All the way through, you're trying to tell the story from your client's perspective."

Professors' role in Mock Trial

Continued from page 2

commitment to the Boston College Law School community. The competitions the BSA runs are a significant part of the BCLS experience for the competitors, who make significant investments of time and energy. Good performances in the Mock Trial and Moot Court competitions are prerequisites for being named to the National and other BCLS teams, which generate credit, so the competitions have to be fair. Additionally, the school's reputation is built in part on the success of the Oral Advocacy Program, of which the competitions are a significant part. When BCLS teams go on to perform well at the regional and national level, their success reflects well on the school as a whole.

Professors who judge play an important role in the competition. First, having extra judges available helps the BSA. It takes hours of work to procure judges for each night of competition, and professors' schedules are more predictable than practitioners'.

If each professor judged one night of one competition each year, it would have a substantial impact on the organization and quality of the competitions.

That said, this year's Mock Trial competition was particularly difficult. Trial lawyers often have very busy, unpredictable schedules. Many judges canceled in the first week of competition, with four judges canceling on one particularly hectic night. This meant that rounds had to be rescheduled, and when a round is rescheduled, a team cannot compete against a team with more rounds of experience or against a team it has met before. These rescheduling problems became more acute in later weeks of the competition because the possible matches became more limited. We regret the inconvenience and extra frustration this caused for all the competitors.

We particularly appreciate the help of our Mock Trial judges. They put a lot of time into their preparation and spent three or four hours actually judging. Many served more than once, or procured colleagues to judge for us. We are tremendously grateful for their support.

Like his partner, Stassen is also humble. "I thought everyone did a great job. I don't think that Rob and I are any better than anyone else at it."

Geckle says he and Stassen were minimally affected by the support problems of this year's competition. "We were pretty lucky; things went pretty smoothly," he said. "But, it was real tough to get witnesses. There was a small group of people always volunteering to be witnesses. At the end, we couldn't just keep asking them and imposing on them." Stassen agreed.

"Finding witnesses was the toughest part of the competition, harder than competing or anything else. But generally, people were really nice and tended to come through for us. At the last second we would call people and they'd come in to bail us out."

"We actually had to pay a freshman \$20 to be a bailiff in the quarterfinals!" added Geckle.

"The competition started at 7:30, and at 7:10, when we were supposed to be prepping witnesses, we were walking around the cafeteria bribing freshmen," laughed Stassen.

Seriously, Geckle offered an often-heard suggestion for alleviating the witness problem in future competitions. "Maybe next year, if you want to do moot court, then you should be required to be a witness in mock trial; and if you want to do mock trial, you have to help out with moot court. A reciprocal relationship." He concedes the idea was not originally his, but he nonetheless believes it should be implemented.

Despite the setbacks, the competition was a success as a whole. The co-chairs, Pete Hogan and Sarah Herlihy, were appreciative of the support they did receive.

"We would like to thank all of the witnesses, judges and participants," said Hogan. Herlihy echoed him. "We appreciate all the witnesses and judges who participated, as well as all the students who competed."

However, Hogan did express his frustration in running the competition. "While some 3L's were extremely cooperative, others looked only at their own problems and not the problems of their fellow students," he said. "They liked it when we

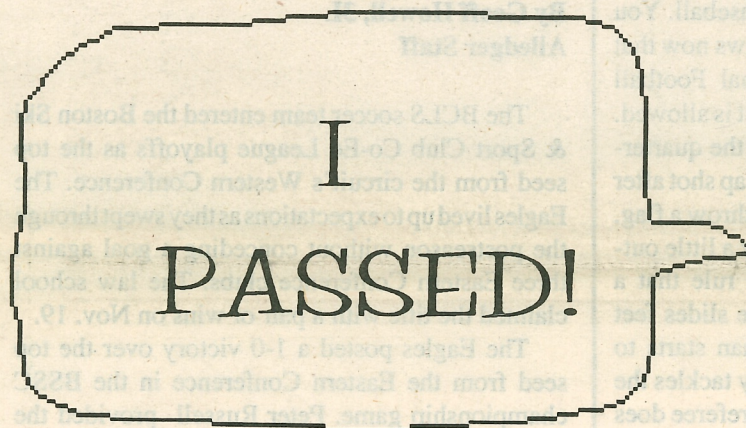
would make exceptions when they had problems, but when we had to realign the competition for their fellow classmates, they'd complain." Despite these problems, Hogan and Herlihy managed to supervise the competition successfully, and make it a valuable experience for all that participated. It was especially valuable for the winners.

"You learn a lot. I would have learned a lot had we not advanced," said Stassen. "The first four rounds you get four different judges giving you tips and pointers on how to be a litigator or trial attorney."

I highly recommend it. It was a lot of fun."

"It was definitely a valuable experience," added Geckle. "It was definitely worthwhile. And there's no way we could have done it without all the volunteers, students and alums. They helped make it a great experience."

But, Geckle has one reason in particular why he is glad it is all over for now. "I'm kind of glad it's over with. After seven times of trying Nancy Carroway and Tonya Hardy, it gets pretty damn old!"



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SPORTS

NFL turning into "NFFL"

New fines ruining game

By Joe Rosen, 1L
Alledger Staff

Just a normal fall Sunday watching football. The night game on ESPN pits the Philadelphia Eagles against the Denver Broncos. In the first half, I watch Eagles defensive end and former Boston College star Mike Mamula hit Broncos quarterback John Elway. I think nothing of it at the time. Elway is hurt on the play, but no flag is thrown and there is no mention of any kind of illegal contact having taken place. In fact, it is plainly clear that Elway still had the ball when Mamula was in the air, milliseconds away from the hit. The next Friday (the day when fines are usually levied), I find out that Mamula has been fined \$8,000 for allegedly spearing Elway.

Now, when I was a little kid and I first wanted to play organized football, my mother warned me against it. She said, "Joey, football is a very rough game. It's not like baseball. You could get hurt." Even my mother knew and still knows now that football is a contact sport. However, the National Football League is making me question just how much contact is allowed.

I do realize that referees have a duty to protect the quarterback. I understand that when a linebacker takes a cheap shot after the quarterback has thrown the ball, the refs should throw a flag. Hey, that linebacker should maybe even have to pay a little out-of-pocket expense. I even sort of understand the rule that a quarterback is down if, after leaving the pocket, he slides feet first. Believe me, I cringe every time Troy Aikman starts to scramble. However, when a defensive player simply tackles the opposing quarterback, takes no cheap shot, and the referee does not throw a penalty flag, how can the NFL justify levying a fine on that defensive player (unless the refs blatantly missed the play)? If the refs, who are right next to the action, can't even justify giving the offense and extra fifteen yards, how can the league, which is watching it on television, justify making the defensive player pay thousands of dollars?

Yeah, I know. What's a few thousand dollars to guys making close to a million? But that's not the point. Why should the player have to pay at all if he didn't do anything wrong? Has the concept of no liability without fault just been flushed down the toilet? Furthermore, if the NFL keeps levying fines for these types of incidents and they are levied on the same players, the dollar amount is going to add up. Here's another question for you to ponder: Has anyone ever asked where the money goes?

Now, it's not like the Mamula incident was a freak occurrence. It all started in the preseason when Pittsburgh Steeler linebacker Greg Lloyd was fined \$12,000 for hitting Green Bay quarterback Brett Favre with his head. Buffalo Bill Bryce Paup was also fined \$12,000 for a similar hit to Indianapolis Colts' QB Paul Justin even though his play in that game earned him AFC Defensive Player of the Week honors. Through twelve games, there have been a total of 11 fines costing defensive players a total of \$120,000. In 1994, there was a mere \$90,000 in fines given out the entire year.

It's plainly clear why the NFL is so protective of its quarterbacks (Ch-ching). Fans pay to see Steve Young and Dan Marino, not Elvis Grbac and Bernie Kosar. At least Gene Washington, NFL's Director of Personnel Development (the guy who gives out the fines), admits that the league's over protection of quarterbacks is (at least partly) for financial reasons. However, that doesn't make it right.

What's the next step? Will the NFL give the quarterbacks flags and say to the defensive players, "Guys, you can tackle any other player on the field, but if you want to tackle the quarterback, FORGET ABOUT IT! Just pull his flag off and he'll be considered down?" No, flag football is reserved for fraternity intramurals and weekend corporation battles. THIS IS THE NFL! Quarterbacks should have to play by the same rules that the rest of the league does.



Jason Pfletcher dribbles upfield during BCLS' semi-final win on route to the Boston Ski & Sport Club Co-Ed League Championship.

Soccer team takes title

Top seeded Eagles win Boston Ski & Sport Club Co-Ed Championship

By Geoff Howell, 3L
Alledger Staff

The BCLS soccer team entered the Boston Ski & Sport Club Co-Ed League playoffs as the top seed from the circuit's Western Conference. The Eagles lived up to expectations as they swept through the postseason without conceding a goal against three Eastern Conference clubs. The law school claimed the title with a pair of wins on Nov. 19.

The Eagles posted a 1-0 victory over the top seed from the Eastern Conference in the BSSC championship game. Peter Russell provided the margin of victory with a breakaway goal early in the second half. Marc Levin set up the Russell goal by heading forward a long Dave Colleran free kick.

"It was a great feed from Levin, although I was a little surprised. Someone told me it was the first time he passed all year," Russell said of his goal.

Goalie Jay Penfield earned his fifth straight shutout, stopping a key direct kick from 20 yards out late in the first half. Jason Pfletcher and Jen Tschirch provided solid defense in front of Penfield.

The law school topped the Eastern Conference's second seed in the semifinals, 1-0, earlier in the day. Stephanie Harkness scored the goal that sent BCLS to the finals. She fired home a 15-yard shot midway through the first half for her third goal of the season, second only to Levin's team-leading six. Colleran and Dave Penczar anchored a strong defensive effort.

"This was a great fall. My softball team won the law school intramural tournament, and now this," said Harkness. "The Celtics offered me a tryout, but

I don't want to blemish my athletic resume."

BCLS opened the playoffs the previous weekend with a 1-0 victory over the Eastern Conference's fourth place finisher. Russell once again provided the difference as he converted a great feed from forward Victor Avila. Bruce Skillin and Mike Dakin contributed to the defensive effort.

The playoff victories gave BCLS a 9-0-1 record in BSSC play. The law school outscored its opponents 24-5 over the course of the season and recorded six shutouts. Rob Geckle, Sean Hill, Sateez Kadivar and Russell recorded two goals each. Dakin was in goal for three of the victories before moving to defense.

Key playoff performers included Tschirch, Kaylee Newell and Tara Twomey. The three women made several clutch defensive plays in the championship game after Levin's inspiring half-time talk on the role of gender equity in soccer.

Co-coach Geoff Howell provided etiquette lessons throughout the tournament.

"After listening to Geoff, I realized the error of my ways," said Jim Tartal, who received a yellow card during the season for hurling an epithet at the referee. "I will never use foul language again, or at least as long as I think a referee might hear me."

Unfortunately, co-coach Tom Lynch was unable to join in the championship victory. Heavy rains pushed the BSSC schedule back a week and conflicted with the talented halfback's Thanksgiving travel plans. Geckle provided leadership at the midfield in Lynch's absence.

Skillin and Dave Belcher played key roles

Continued on page 7



BCLS' championship soccer team.

SPORTS

BC Hockey team improving steadily

Icemen suffering pains and penalties of rebuilding and youth

By Brian E. Falvey
Editor-in-Chief

The Eagles are off to a rough start on paper (3-7-1 overall, 1-4-1 in Hockey East) in what was termed in the pre-season outlook as a "continuation of the rebuilding process that began last year." Ten games into the season, second-year Head Coach Jerry York echoed that sentiment.

"From this time last year to now, I think we've shown a lot of improvement. Our record doesn't reflect that, but I think our play is better. We still have a long way to go, no question. Our objective is to just get better week by week and just get back to where we all want to be."

Defensively the Eagles are playing some solid hockey, led by Junior goaltender Greg Taylor and defensemen Tom Ashe (senior), Joe Harney (junior) and future star Ken Hemenway (sophomore).

"I think our goaltender, Greg Taylor, has been very solid overall (4.19 GAA). What I like about him this year is he's been more consistent with his play over the full 60 minutes," said York. "[Our defense] is hanging in there. We're fairly solid from the standpoint of goals allowed. Last night we only gave up three goals and a fourth open-net goal (in a 4-2 loss to 10th-ranked Clarkson), and against Maine, three goals, and a fourth right at the end of the game. So that's given us the chance to win games, but now we've got to create more offense."

Offense just happens to be the icemen's coldest statistic. In their first 10 games, they averaged only 2.5 goals per game, and their power play has been equally unproductive with only 17% efficiency.

"I'm concerned we're not finishing (plays) like we should be. We've got to generate more offense — create more scoring opportunities and then, if we do that, we've got to be able to finish and get some red lights," said York. "The power play's been like our offense. We've been unable to create good scoring chances and when we do, we haven't been able to finish them

The power play reflects our general offense, which is not nearly good enough yet."

The lamp lighting, as in years past, has been handled almost exclusively by seniors David Hymovitz (6-5,11) and Don Chase (3-3,6) who finished second and third in scoring on last year's club to then-senior Ryan Haggerty. However, the brightest new bulb on the team this year has been freshman forward Marty Reasoner (5-3,8) out of Deerfield Academy.

"What's good about Marty, is even as good a hockey player as he is, he's even a better person," praised Coach York. "Our team really enjoys having Marty here. It's not just because he's a good hockey player; he's just a solid, solid young guy, and that's always hard to be when you're a high profile player.

A lot of time your ego gets in the way. On the ice, he generates some offense and we capitalize on his playmaking."

York is excited about what the future may have in store for Reasoner and freshman linemate Chris Masters, who notched the first goal of his career against Clarkson — assisted by Reasoner.

"Chris Masters got his first goal. He'd been playing with two other freshmen (Reasoner and Matt Mulhern), and had not scored yet. Hopefully they can score some goals as linemates, because Marty's kind of a play maker, not necessarily a scorer."

The Eagles are heading into the heart of their schedule and season with four straight Hockey East games in the first two weeks of December against UMass-Lowell (twice) and New Hampshire (twice). The game plan: score goals.



Freshman sensation Marty Reasoner is a key element of the BC hockey program's future.

minutes with whoever we play," stated York. "We have the capability of being a pretty good hockey team, but we're not there yet. We need to score goals, create an offense. Offense comes from a lot of different areas. It comes from power plays, a good initial rush play, traffic in front of the net, rebounds, tenacious play in that slot area; those are three areas we really have to improve on. Our initial rush plays have to be much more smarter, our power play has to be much more efficient, and we've got to be more tenacious in front of the net.

"We're taking each game as it comes, there's a lot of teams that finished ahead of us in the standings last year, and there's a lot of teams ahead of us in the standings this year, so we've got to take that next step," York summated. "We've got to first prove that we can move

"It's December, which means we're in the thick of the college hockey season. As we get into the dead of winter, we need to really compete for a full 60

up the ladder and beat teams that we're competing with, and as we do that, hopefully our team will improve and get better."

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Despite injuries, BC soccer continues to pull off victories

Continued from page 6

throughout the season at defense and midfield, respectively. Matt Ginsburg often paired with Kadivar to pace the transition game from the center of the midfield and Laurie Hauber was also a key member of the halfback corps. Up front, Sean Hill and Tartal helped spark the offense.

"Ginsburg and Levin were my inspiration," Howell said. "After watching those two hustle all over the field this fall, I've decided to take up smoking and will stop preparing for my exams."

Several players were injured during a grueling fall season and were unable to participate down the stretch. Jeff Kopf and Jen Thrush were among the wounded, but turned up during the finals to cheer their teammates to victory.

Kenneth Ongola-Obote was an integral part of the offense before he was sidelined by a leg injury in October. Rob Hochstein provided strong defense early in the season, but took time off to train for and take part in the New York Marathon.

In addition to the BSSC season, the Eagles finished third in the Yale School of Management Eastern Graduate School Championships and tied Babson Business School, 3-3, in an exhibition game. BCLS is forced to go off-campus for all of its competition because there is no undergraduate intramural league.

The Eagles hope to participate in an indoor league this winter and to enter graduate school tournaments in the spring. Thanks to generous LSA funding, almost 40 players took part in the soccer club's various activities this fall.

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