

5-1981

Gavel Raps, v. 1, n. 3 (May 1981)

University of South Carolina School of Law Students

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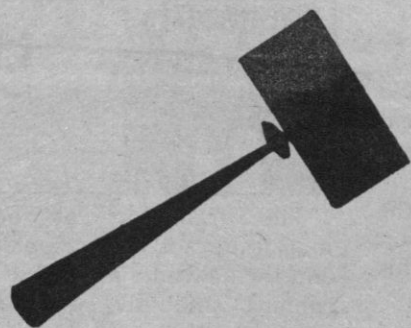


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Of Student Interest...

The SBA budget for the upcoming fiscal year is on appeal to the newly elected Student Senate. A request for \$14,500 was trimmed to \$1,515 by the Senate Finance Committee, composed of seven undergraduate students. All other law organizations received zero funding. Both the Bowling and Fencing Clubs received more funding than the SBA. Dean Lightsey has informed University officials about the impropriety of the action. Final approval of the budget by the old Senate was halted so that the newly elected Senate may reconsider the allocations.

Mark Wilhelmi, SBA president will attend a \$500-plate dinner honoring Senator Strom Thurmond in Washington, D.C. on May 19. For several years the Senator has sponsored an endowment on behalf of USC Law School to fund scholarships and chair positions. To date the drive has raised approximately \$270,000 in donations with a goal of \$500,000, which is expected to be attained through this dinner.

A Law School Graduation Breakfast will be held May 16 at 8:00 a.m. at Dr. Sage's, Holiday Inn, City Center. The menu will include a full breakfast and Bloody Marys. Tickets at \$5.00 per person must be purchased by May 1 from Bev Taylor's office. Dean Lightsey, Tom Kemmerlin and Kermit King will make brief comments at the Breakfast.

The American Bar Association, Law Student Division, held its spring conference in Richmond, Virginia April 3-5. The conference was attended by SBA President Mark Wilhelmi and Ed Perri. Representatives now have a good understanding of the ABA/LSD and the benefits it can provide to the law schools in the Fourth Circuit. Plans are to sponsor a nomination from USC for Circuit Governor next year. Harriet Smith, local representative for ABA/LSD, will attend the national ABA convention in New Orleans in August.

Dean Gaines of Student Affairs will be teaching in the CLEO program in Washington this summer, as he has done for the past several years.

Mondale Visit: Comments And Quips

By Pat Watson

Former Vice President Walter F. Mondale spent some time with students at the Law School where he spoke briefly to Professor Nathan Crystal's Contracts class and then met with representatives of various student organizations and a number of faculty members on April 13.

Mondale expressed an interest in the number of women enrolling in law schools throughout the country and in the older students returning for a new career after having worked for a time after leaving school. He also commented on a number of national topics in response to questions from students and faculty.

Some of his comments presented in capsule form here, were:

On Sam Ervin: The nation was blessed by having Sam Ervin during the Watergate in-

vestigations. He was Southern, conservative, and old enough that he had no further political ambitions. He and Pete Rodino saved the country. Members of the committee respected him, and he had a reputation for non-partisan positions that allowed him to be above the normal suspicions that would have undermined his credibility.



Walter F. Mondale

On Voting Rights: Mondale would just as soon have it (the Voting Rights Act) apply to Minnesota...we aren't on good moral grounds if we just point a finger at the South. The Civil Rights Act, coupled with one-man-one-vote, did more to change this country peacefully than anything ever had.

On the Moral Majority: ...I wish we could get back on the main issues of American life rather than those things intended to divide us. On the other hand, it is a free country and people have the right to promote their own ideas.

On What the Issues Are: Energy and the economy, combined with national security, present the most pressing problems facing the country. If we can't get rational controls over nuclear armaments instead of a runaway arms race, the chances for nuclear breakout are great.

On the Reagan Solutions: The thrust of what we (the

Carter Administration) left...the new administration's theory is that the market will take care of everything. Thirty years ahead, it might, but we don't have 30 years. We need to be pushing new energy sources, synthetic liquids, petroleum reserve (three week's reserve is dangerous)...hopefully the Congress will keep the full thrust of conservation going. It's a scary situation. Even when we solve our own energy problem, we haven't solved it. As long as Western Europe and Japan are dependent on imported energy sources, there is a potential for World War III.

Delegates Attend Law Conference

By Elizabeth Warren

The Twelfth National Conference on Women and the Law was held April 3-5, 1981 in Boston, Mass. The University of South Carolina was represented at the Conference by Linda Grice and Elizabeth Warren, officers of the Women's Law Association.

The National Conference on Women and the Law is an annual conference organized by law students to promote the equality of women through a comprehensive examination of women's current status within the American political, economic, and legal institutions. The program of the Conference is designed to expand the legal awareness and improve the organizational and advocacy skills of women attorneys, law students, legal workers and community workers, and to increase contact and coordination of activity among these individuals and organizations committed to expanding opportunities for all women.

Conference participants were able to attend a maximum of nine of the more than two hundred workshops scheduled for the three day Conference. Workshops were offered on topics as varied as "Lawyer as Mother," "Title IX Litigation on Behalf of Women Athletes," "Women and Politics and Government," "The Juvenile Justice System," "The Nightmare of Hazardous Wastes."

Fall Law School Applications Up

By Velda Griffin

A total of 1207 applications have been received for admission to the law school class of 1981-82, according to figures released by James Berry, Director of Admissions. This represents a slight increase over the 1140 applications received for the 1980-81 class and 1109 for the 1979-80 class.

A class-size goal of 240 has been set for the 1981-82 freshman class, according to Berry, and an attempt will be made to limit the class to that size. If this goal is achieved, it will mean a decrease in enrollment, since the 1980-81 class had 262 students and the 1979-80 class 292 students.

The legal profession is rapidly becoming less male-dominated, according to figures from the admission office which show that in 1980, of the total law school enrollment, 32 percent or 242 students were female. This is a tremendous increase over 1970 when only nine female students were enrolled, and 1960 in which there were only two. The full impact of this feminine influx into the profession should be apparent within the next few years.

Finney Addresses Balsa Banquet

By Pamela D. Brown and Larry Colleton

The Black American Law Students' Association held its Third Annual Alumni Day Banquet at Capstone House April 4. Circuit Court Judge Ernest Finney was the principal speaker. Addressing the theme of the banquet "Changing Directions to Meet New Challenges", Judge Finney stressed the need of lawyers to become politically involved in the community. He said that students must maintain professionalism as they prepare to meet new challenges as lawyers.

Prior to the Banquet two workshops were held, "Alternatives to Incarceration: Can We Afford To Lock Them Up?" and "Consumer Law Trends." Panelists for the first included James Aiken, Warden for the Correctional Institution for Women; Horace Smith, Assistant Solicitor in the Fifth Circuit; Alex Kinlaw, attorney for the Public Defender's office in Greenville County, and Professor Joseph Jacoby, member of the faculty of the USC College of Crim-

inal Justice. Panelists for the second workshop were Professor Phillip Lacy, USC Law School; Susie Hess, counselor for the Consumer Credit Counseling Service; and Phil Porter, Staff Counsel to the Department of Consumer Affairs.

In recognition of services rendered to the organization, awards were presented at the Banquet to radio station WOIC and television station WLTX. Two senior law students, Tanya Lewis and Larry Colleton were acknowledged by President Larkin V. Campbell, who presented them with the President's Award in recognition of their contributions to the organization.

Incoming president Bernard McIntyre said Balsa plans to step up its freshman orientation efforts, establish a book release program which will make study aids available to needy minority students at no expense and initiate a program to pair upperclass students with first year students to help smooth the transition from undergraduate to law school.

Godspeed To Pete

Heartfelt congratulations and warmest appreciation go with Pete Kulmala, a graduating senior, and former Editor of *Gavel Raps*. His persistence and dogged hard work fathered the revival of the Law School student publication.

Without his determination and supervision it is doubtful that the paper would have appeared this year. This is the first issue under the direction of the new editors, and his presence is sorely missed.



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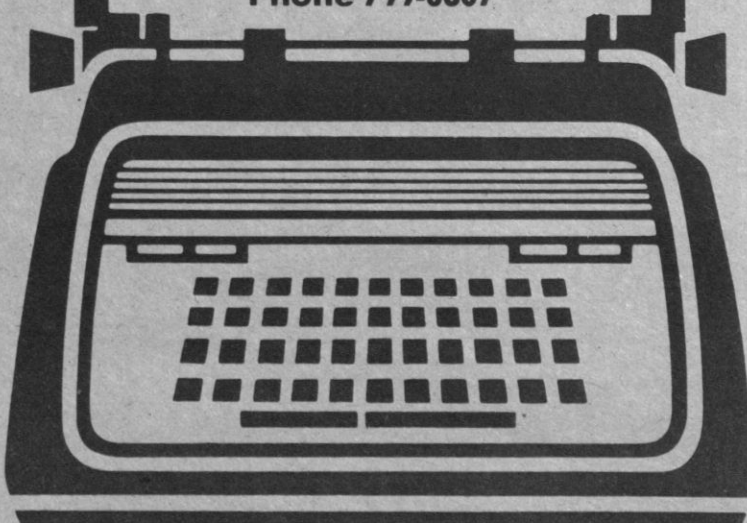
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SBA President's Report

By Mark Wilhelmi

The transition of administrations is now complete and the new administration is running smoothly, and on schedule. We have been very busy implementing new services and procedures within the SBA. Wes Hayes, Randy Cooper and Debbie Owens, the new executive officers, have worked extremely hard, along with me, to establish the "new SBA". We felt it was important to establish the New Administration this spring with active involvement by all members, including the Legislative Council, so that next fall we will have a well organized and effective student body government, ready to start the new school year.

Communication will be our main emphasis throughout the year. We have established the "SBA Newsbrief", which will provide weekly events of all organizations. *Gavel Raps* will also continue next year under the fine direction of David Stanton and Pat Watson. Pete Kulmala was instrumental in re-establishing the paper this spring and it has been a tremendous success. Communication between faculty and students is also important and will certainly be promoted. Faculty members have already been provided with names of all new committee chair positions. These committees will all be utilized next year. Incidentally, 252

people signed up for committee positions. This was an excellent turnout.

Senior Preference Approved

Scheduling has had substantial success for next fall. Kathy Flanagan and Ed Perrin have put in numerous hours with Dean Montgomery to insure a well balanced schedule.

Senior preference, drop/add, and curriculum schedules have had top priority this spring. The Law School faculty has also approved, on a one year trial basis, senior preference for all

courses. What this means is that third year students will have their schedule cards placed first on class listings. Finally, drop/add procedures will be revised to eliminate some of the long lines during the first week of school.

And Thanks Again

The support and enthusiasm that has been given to me and the entire SBA is overwhelming. It has made the transition all the easier. I look forward to representing such a concerned and involved student body in the upcoming year. I'll be in Columbia all summer if anyone needs to get in touch with me. Enjoy your summer!

Student Groups Elect Officers

South Carolina Trial Lawyers Association - Student Division elected new officers for the 1981-82 academic year. They are: President, Richard Ness; Vice President, Kevin Barth; Secretary, Wes Hayes; Treasurer, Bruce Berlinsky; and Parliamentarian Oscar Towler.

Phi Alpha Delta installation of officers was held Wednesday, April 22. Delores Hand, outgoing Justice, named John Ailstock as new Justice; Richard Whiting, Vice Justice; Hazel Ferri, Clerk; Mary Ann Evans, Treasurer; and Ray Glimbizzi.

BALSA officers were installed at their Third Annual Alumni Day Banquet. Incoming President is Bernard McIntyre; Vice-President, Steve Davis; Secretary, Pamela Brown; and Treasurer, Johnny Watson.

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Grade Normalization: The Pro And The Con

Grade Normalization Fair To Students: McAninch

By David Stanton

The Law School Steering Committee will recommend to the Faculty that, beginning next year, the mean G.P.A. for each Freshman class course be between 2.3 and 2.7, as a matter of Faculty policy. The Committee will also urge that the Faculty "suggest" that the mean G.P.A. for each upper level class course with at least 30 students in it be between 2.5 and 3.0. The vote by the Steering Committee at its April 16th meeting was unanimous among its five faculty and two student members. The Faculty is expected to consider the measure at its

next meeting May 7th. As expected, there is a difference of opinion of the faculty about grade normalization, and here is a view in favor of grade normalization.

Professor Bill McAninch, Chairman of the Law School Steering Committee, has made a study of grade normalization schemes at other law schools and it is a concept he favors for this law school. He says, "the point of grade normalization is to try to be fair to the students." McAninch noted that in past years, professors talked among themselves about grades, and by happenstance, the grades came out about equal, but today there is a vast disparity in the grading habits of professors. He says that the mean grade in the First Year Class for the previous academic year ranged from 2.1 for some classes, to 3.4 for others. Because of this, he says, a portion of a first year student's grade is determined "by the luck of the draw," that is by whether the student gets a strict grading professor or a more lenient grading professor for a particular class. The University of Virginia, in response to a mean of 3.5 one year, imposed a strict mean of 3.0 on professors, allowing a variation of only .02. At U.N.C., professors are required to use a curve for first year students, with a variation of only 4 percent. Professor McAninch favors a mean of around 2.5 for first year students and 2.8 for upper level students, with an allowable variation of .2 and with seminars and small sections excepted.

Asked if this would hinder academic freedom, McAninch said academic freedom is not an absolute, citing the fact that professors are assigned classes and committee assignments, and he said this would be a "relatively minor incursion of

The proposal of the Law School Steering Committee that the school initiate a grade normalization plan has produced some controversy. In view of this, Gavel Raps asked Professor William McAninch, who supports the proposal, and Professor James L. Underwood, who opposes it, to present their views on the subject.

The matter will be presented to the full faculty on May 7. After reading both sides, students who have strong feelings about the matter may make them known to members of the faculty, to student representatives on the Steering Committee, who are Chuck Simmons and Reb Thomas, and to student representatives on the Faculty Committee, who are Cliff Altekruze and Suzanne Haulst Clawson.

Students who wish to attend the faculty meeting on May 7 are permitted to do so. For the time and room scheduled for the meeting, they may contact any member of the faculty or the administrative offices on the second floor of the Law School.

academic freedom," and worth it compared to the value the scheme could have for the law school.

Bloodmobile Visit Nets 96 Pints

On Monday, April 13, the student lounge at the Law School was converted into a unit of the American Red Cross Blood Donation Program. There was a brisk processing procedure with a total of 104 volunteer offering their blood. Eight of these were rejected for various health reasons, leaving a total of 96 units of blood collected, well over the estimated expectation of 50 units. One nurse commented that law students seemed to be different - she's never seen so many people with high blood pressure!

Grade Normalization Really Abnormalization: Underwood

By David Keller

One outspoken opponent of the proposal to develop a grade normalization plan for the Law School which has been approved by the steering committee for submission to the full faculty is Professor James L. Underwood. In an interview last week, Underwood said that he finds several difficulties, both practical and conceptual, with the idea of grade "normalization."

Underwood's comments on the proposed plan follow:

"I find several difficulties, both practical and conceptual, with the idea of grade 'normalization':

(1) The only fair grade is one determined by an individual professor's appraisal of an individual student's performance. To adjust grades arrived at by such a merit-based process so that they conform with a preconceived, faculty-set norm not based on individual performance is unfair to the point that it becomes arbitrary and capricious and runs the risk of being a serious substantive due process violation of a student's rights. Viewed in this light, grade "normalization" is actually grade "abnormalization".

(2) Not only is grade "normalization" an invasion of the student's due process rights, it may also be an invasion of his contractual rights. If he applies for and is admitted to a law school based on catalogue and other information that makes no mention of normalization and the rules are suddenly changed after admission, the student's reasonable expectations of the grading process are cavalierly treated.

(3) Not only are the student's rights harmed by grade "normalization", but also the faculty member's academic freedom is severely injured. It affects not just the grading process but the teaching process as well. Sometimes the only way that a professor can honestly lower his grades is to change his teaching technique, be less organized, conduct fewer reviews, spend less time in individual tutoring.

(4) Since the motivation behind grade "normalization" is usually to get the "high grades" down rather than the "low grades" up, the over-all impact is usually to lower more grades than are raised. This is usually the result even when, theoretically, the norm

could lead to raising as well as lowering of grades. The history of virtually all grade normalization proposals is anti-grade inflation rather than anti-grade deflation. It is not too much to expect such plans will accomplish their purpose rather than the opposite.

(5) I know of no reliable way to determine what the norm is. Perhaps a collective predicted first year average of a class could be used. However, this seems to imply that no one ever outperforms his predicted G.P.R. That concept certainly creates a chilling effect on the desire to learn and improve one's self.

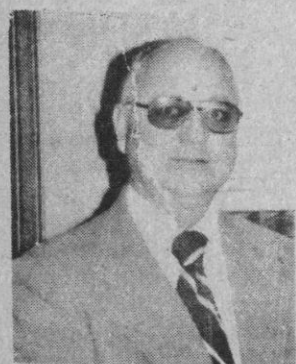
(6) Grade "normalization" treats all professors and classes as fungible commodities: all professors teach equally well, all classes perform equally well and every professor should view the world with the same degree of optimism or cynicism, therefore, all class grades should be the same. Why don't we just follow this reasoning through to its logical conclusion and replace everyone with R2 D2 and CP30, with Darth Vader doing the grading?

(7) There are several other practical problems. Who will do the "normalizing"? What if a particular professor refuses to have his grades normalized? Will a committee normalize his grades? Will the committee actually read all the examination papers? What if the professor insists on publishing his own "non-normalized" grades along with the committee's "normalized" grades? Will this lead to students filing grievance and law suits if their grades are lowered beyond those set by the professors? Will the professor file a grievance or a suit?

Underwood said that one plan suggested would not actually impose the grade lowering on the professor but create a presumption of incorrectness if he grades above or below a certain level. He would then be "dealt with administratively" ex. a friendly talk with the Dean at salary review time.

The effect is a serious encroachment on academic freedom, he added.

"Once we lay aside the compass of true merit-based grades, we enter a Devil's Triangle of confusion, from which the law school education process may never emerge intact," Underwood said in conclusion.



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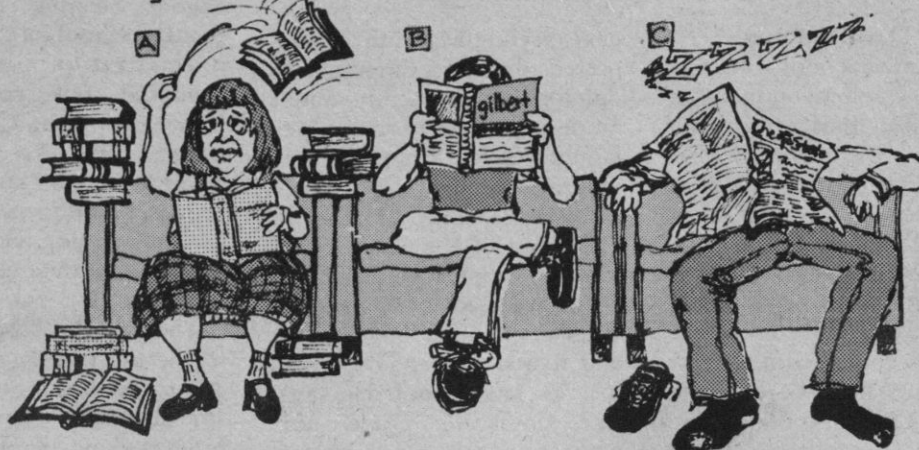
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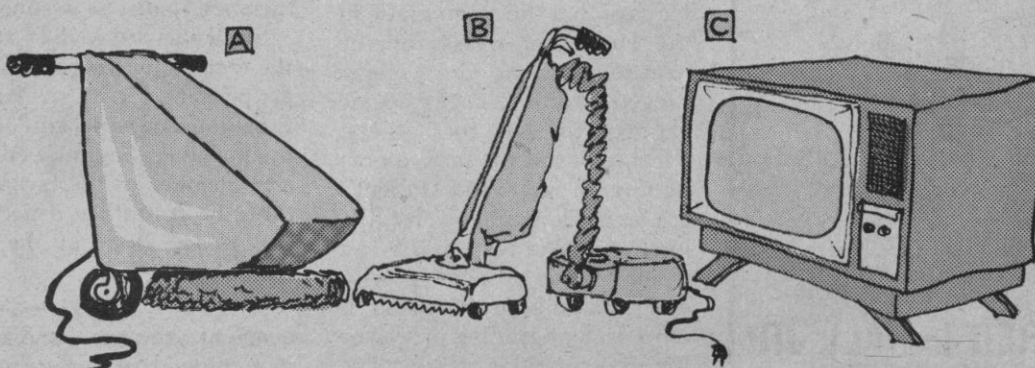
A Law School Quiz....

① Can you spot the third-year student?



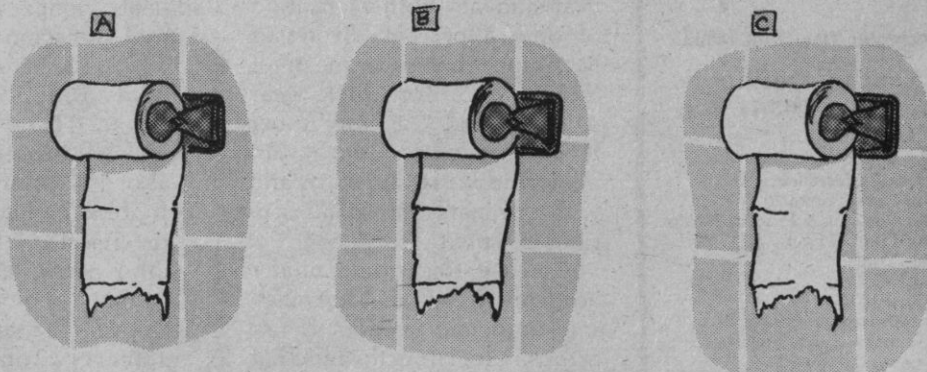
Answer: A senior... in the library? Must be a trick question! A is too worried about not knowing what the law is or where to find it - a first year; while B may not know the law either, but knows where to find it - obviously a second year; C is a member of the janitorial staff!

② Which appliance do you most associate with the janitorial staff?



Answer: Be real! A and B would only interfere with the reception on C!

③ Because of ① and ②, what necessity can you expect the Law School to run-out of on any given weekend?



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