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University of South Carolina School of Law Students

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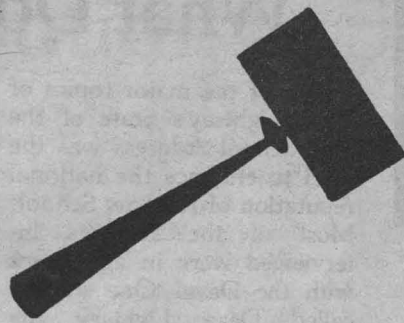


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Dean Delivers State Of The Law School Address

On Wednesday, September 1, 1982, Dean Lightsey delivered his annual State of the Law School Address. The topics of his address included the growing national reputation of the U.S.C. School of Law and the increasing job opportunities available to U.S.C. graduates.

Since becoming Dean of the Law School, Dean Lightsey has stressed the need for an enhanced national reputation for the Law School. The Dean stated that, during his travels around the country, he has received a great deal of positive feedback which indicates that the Law School's

national prestige is growing quickly. Dean Lightsey credits this growth to the academic efforts of the students and the quality of the faculty. The Dean sees further indications of the Law School's growing national standing in the number of graduates accepting jobs with nationally prestigious law firms around the country. He encouraged all students to take full advantage of the Placement Office now and not two weeks after the bar exam. The Dean also praised the efforts of the Placement Office for producing the new Placement Manual.

Dean Lightsey hopes to continue building the Law School's reputation by bringing in nationally known jurists as visiting professors.

Such a program will begin next semester.

The Dean also spoke of problems facing the Law School. First on his list is the growing financial burden being placed on the Law School, its students and faculty. According to the Dean, the decrease in state and federal funding has created a tremendous need for private endowments, scholarships, faculty research grants, and work-study programs. Dean Lightsey is distressed at the growing number of clerking jobs being sought by law students, often for reasons other than financial hardship. From his experience as a hiring partner, the Dean feels that prospective employers do not view clerking as the number

one criterion for hiring. He encouraged students to seek work within the Law School as research assistants or in work-study positions. He suggested that the university pay scale is comparable to that of the clerking positions available in Columbia.

The benefit of keeping students involved in the Law School is an increase in student interaction and a decrease in unwarranted competition. The Dean expressed concern over the apparent apathy of law students toward extracurricular activities such as special lectures and seminars as well as the various student organizations. Dean Lightsey also expressed a desire for students to take the time to chat with one another.



Moot Court Team Travels To San Francisco

Overcoming all manner of adversity, the University of South Carolina's American Bar Association/Law Student Division Moot Court Team (ABA/LSD TEAM) successfully defended the Southeastern Division number one spot and went on to reach the Quarter-finals of the national competition held in conjunction with the ABA's Annual Convention in San Francisco. The adversity began last spring when the team discovered the Regionals were only two weeks away and due to lost mail they were four months behind in receiving the competition information. Undaunted, the team, composed of Daryl Hawkins, Becky Lafitte and Wendy Siceloff, prepared their case and defeated Wake Forest, American University and William and Mary law schools on their way to winning the Southeastern Division title.

The National Finals of the ABA's National Appellate Advocacy Competition are always held during the summer convention of the ABA and most teams spend the greater portion of the summer preparing their briefs and conducting practice oral arguments. The USC team suffered a certain disadvantage in this stage of preparation due to Becky Lafitte and Wendy Siceloff having previously made plans to attend summer

sessions abroad. Teammate Hawkins, after long consultation with coach Greg Adams, made the supreme sacrifice of traveling to Cambridge University in England where he was joined by Ms. Siceloff and Ms. Lafitte to complete final preparations for the competition.

The National Competition Finals were held August 6-8 and teams from twenty other universities were represented. USC first argued against Washington University who they defeated in the oral round

but ultimately lost to when the brief scores were added. Refusing to give up, the Carolinians rebounded by trouncing the University of Toledo by such a huge score that they were propelled into the quarter-finals. South Texas School of Law, proved themselves to have truly come of age by narrowly defeating the USC team and going on to finish second overall, losing to Indiana University by the slim margin of 15/100's of a point.

All members of the

ABA/LSD Moot Court Team have expressed their sincere thanks and gratitude to Professor Greg Adams for his assistance in preparing them for the competition and to Dean Harry Lightsey for his unfailing support of their team

and the Moot Court program. We extend our congratulations and thanks to the ABA team-members for proving once again that the University of South Carolina has itself "come of age."



"O.K., Let's start."

What's News

The SBA, Phi Delta Phi and Phi Alpha Delta co-sponsored Welcome Back party held at Greenstreets, Sunday, August 28, was a resounding success. All proceeds in excess of costs were contributed to the Karen Lee Memorial Fund.

A workshop has been planned by the Legal Forum staff for Wednesday at 12:00 noon, September 22, to aid first year students with effective outlining guidelines, use of study aids, etc. Contact Mary Ann Capria or Val Stieglitz.

The Association of Christian Law Students invites everyone to attend its weekly Bible study on Friday mornings at 7:30 at the Holiday Inn.

Phi Delta Phi held its annual rush party on August 27 with

tremendous success. Anyone interested in joining who was unable to attend the Friday night bash is invited to attend the Societies regular monthly meeting on October 4 at 7:30 p.m., room 231.

Join the SBA and support your own best interests!!!!

Anyone interested in submitting an article for Gavel Raps is urged to contact Betsy

Platte or Daryl Hawkins. Articles on any subject will be considered and may be left at the SBA office in plain brown envelopes.

Interviewing seminar: Wednesday, September 15, Law School Auditorium, 7:00 p.m. Guest lecturer, William A. Pollard, Recruiting partner for Nexsen, Pruet, Jacobs & Pollard. Wine & cheese recep-

tion afterward. Second and third year students are encouraged to attend.

Fall interview season began September 7 and continues through November 2. Students must register with the Placement Office and establish a file in order to participate.

Information sessions concerning the Southeastern Law Placement Consortium will be held on Wednesday, September 8 and Wednesday, September 22 at 6:00 p.m. in room 138. Second and third year students wishing to attend the conference must attend these meetings.

A Placement Handbook has been published for students and is available in the Placement Office.



PRESIDENT'S REPORT



On behalf of the Student Bar Association, I would like to welcome everyone back for another year. 1982-83 is already off to a great start with the promise of even greater things to come. Our ABA Moot Court Team, which won the Regionals, placed Seventh Nationally out of twenty finalists. Congratulations to Wendy Siceloff, Becky Laffitte, and Daryl Hawkins. We were also represented well in San Francisco by Mark Taylor, our 4th Circuit Governor for the ABA/LSD. The Orientation for the incoming freshman class went extremely well. Sandi Dennis and her committee are to be commended for their many efforts in producing such an excellent two day program. The Book Exchange is setting all sorts of new records in volume of sales and efficiency under the direction of Susan Sweat. Over \$4,000 worth of books have been sold thus far this year.

Our Welcome Back Party at Green Streets was also a big success. Special thanks are due to Phi Delta Phi, Phi Alpha Delta, and the Karen Lee Fund Committee for their help in putting on the party. Dave Merline's Social Committee is already starting plans for a 50's Halloween Party, complete with a 50's band and requiring 50's costumes.

There are a couple of items to be watching for announcements on in the next few days. Richard Chiariello is heading up the block seating this year and is also serving on the USC Committee that handles distribution. Turn-in for ID's should be soon. David DuRant is in charge of Athletics and is planning to get together with all intramural team captains in the near

future. Also, he plans to kick-off our annual Fall Racquetball Tournament soon.

The first Legislative Council meeting will be held on Monday, September 13, at 6:00 pm in room 236. Debbie Carpenter, the SBA Vice-President, is busy planning the agenda, while George Quillin, our Treasurer, is planning to present a yearly proposed budget. Each Council member should plan now to attend. Also each member should be sure to sign up for "office hours" in the SBA Office. If any first year students are interested in serving on either the legislative or honor councils, elections will be coming up around the middle of September.

Finally, special thanks are due to Betsy Platte and Daryl Hawkins and their staff on the *Gavel Raps* for dedication in getting the paper off to such a fine start. They plan to get an issue out on a monthly basis this year.

Once again, I think we are off to a great start this year and I urge each of you to participate in the many activities here at the Law School. If you have any questions or suggestions concerning the SBA, please feel free to contact me or any of the other SBA Officers.

Wes Hayes
SBA President

Legal Laughter

Two men went in a cemetery, and there is a tombstone, and it says, "Here lies a lawyer and a christian." And one guy says to the other, "You mean they buried one on top of the other?"

From an interview with Harry Dent, in *The State MAGAZINE*. August 30, 1981

What Do The Students Think?

One of the major topics of Dean Lightsey's State of the Law School Address was the need to enhance the national reputation of the Law School. Most of the students interviewed were in agreement with the Dean. One student called Dean Lightsey the "Saving Grace" of the Law School because he was aiming towards this goal. This student feels such a reputation is necessary in order for USC graduates to be competitive for top jobs on the national level. A first year student agreed that a national image is important but felt that pride in the Law School and in the State of South Carolina should be the sole motivating force. A job with a nationally known law firm should only be a secondary reason to strive for a national reputation. In addition, some students feel that a national reputation will not force the South Carolina firms to raise their salaries to the national level in order to attract the top level students from USC and elsewhere. One upperclassman does not see attaining a national reputation as a top priority for the Law School. He does not want the students and administration to forget that the Law School has a primary obligation to produce competent lawyers to practice in South Carolina. He feels that the balance can be struck by continuing to provide the type of diverse curriculum that we have now.

Another of the Dean's concerns is the growing attitude of apathy towards the extracurricular activities which the Law School offers. Several students stressed that apathy exists not only within the student body but within the faculty as well. One second year student sees the institution of tenure as the cause of faculty apathy. This attitude trickles down to the

students who begin to take an "I don't care because there is nothing I can do about it" attitude. Some students feel that a more effective student grievance procedure is necessary and that the student evaluations are not a substitute for this. One third year student believes that it is solely the student's responsibility to get involved in the activities of the Law School. Another student adds that students should stop "drifting" through Law School and treating it as a twilight zone between college and the real world. All the students interviewed agree that the extracurricular activities provide the necessary "pressure Valve" for law students.

Dean Lightsey pointed to the growing number of students who are clerking outside the Law School as the direct cause of the apathetic attitude that has infected the Law School. There were diverse student responses on this point. One first year student agrees with the Dean but only to the extent

that first year students should not clerk during the school year. After the first year he feels that clerking would provide valuable practical experience. Another student added that even if more jobs were available in the Law School, this work experience would not be viewed the same as clerking experience by prospective employers.

Two third year students agree completely with Dean Lightsey. They both feel that school should be the number one priority for Law Students. One of these students believes that there are a number of practical courses available but the students do not take full advantage of them or take them seriously enough. One student feels that interaction with classmates is more important than being a "gopher" downtown. Another third year student, who had clerked for awhile during the school year, says that he enjoys not working during school and he is willing to make a career of it.

The Homecoming

By D'Anne Haydel,
Richard Pearle and Lon Shull

SON: Hey, Mom. I'm home!

MOM: Well, son, welcome back....Harry, your son has come home after his first semester at law school!

DAD: Hi, son...Say, tell your old man what you've learned!

SON: Well, I'd be careful with that brand of chewing tobacco you've taken a liken' to. You never know whether you'll find some of those foreign objects in that bag. You know--glass, human toes, bits of metal. Oh! Watch your coca-cola for dead rats or cigarette butts. Oh! And never put your property in your wife's name.

DAD: Well that's fine, son, but....

SON: ...and the dog can bite only once. And res ipsa loquitur. And if all else fails advocate public policy and specific performance and dower rights. And I hope you've conveyed a future interest to me for the property in the country--hopefully a remainder in fee simple. And the man whose bread I eat is the tune I sing. And always appeal to the feelings of a reasonable man. And don't be malicious when cursing your neighbor in public. And....

MOM: Harry, I don't think he's going to stop!

DAD: Well, honey, I've got an idea. Let's kill all the lawyers.

SON: But that might be against public policy.

Welcome

The weather may not be an indication that the summer is over, but the minute you walked through the front doors of the Law School on August 23, 1982 you knew that it was time to shake the sand out of your shoes and to get your khaki shirts/pants and your navy blue blazers ready for a new semester of Law School. For those lucky few, this will be the last semester. The real world awaits you at the end of the tunnel. For the rest of the Second and Third year classes, welcome back to the same old grind. But there is light at the end of the tunnel. For the first year students, welcome to the twilight zone. Your task is to find that tunnel.

As always, the beginning of the semester brings with it the hope that this school year will be even better than the last one. All of the organizations in the Law School have been recruiting during these first couple of weeks. Most students, at this point, don't see themselves having the time to eat and sleep during the semester much less commit themselves to any extracurricular activities. Nevertheless, as the semester drags on the couple of hours spent participating in one of the many diverse organizations operating at the Law School will provide the necessary outlet for academic tensions and will serve a valuable purpose to the Law School. So when you feel like you've got the "Law School Blues," the best medicine is to GET INVOLVED.

The Editors and Staff of the *Gavel Raps* welcome the students, faculty and staff of the Law School. We wish you the best of wishes for the coming school year.

GAVEL RAPS

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name and locker number
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Equitable Distribution In S.C.

By Bev Walker

This article concerns the general development of the doctrine of equitable distribution in South Carolina. In *McKenzie v. McKenzie*, 254 S.C. 372, 175 S.E.2d 628 (1970), the South Carolina Supreme Court noted:

"Where a wife has made a material contribution to the husband's acquisition of property during coverture, she acquires a special equity in the property so accumulated which equity entitles her, upon divorce, to an award in satisfaction thereof; and it is not a necessary prerequisite that the wife show that she has contributed by funds or efforts to the acquisition of specific property awarded to her."

254 S.C. at 375, quoting 27B C.J.S. Divorce §293 (1950). It was not until eight years later that the court adopted this doctrine entitling a wife to a special equity in the husband's property acquired during coverture. *Wilson v. Wilson*, 270 S.C. 216, 241 S.E.2d 566 (1978). Thus, even if the wife is not gainfully employed, she is considered to be a major contributor to the achievements of the family, and as such, is entitled to part of the marriage property based upon her industry and labor during the marriage.

Since *Wilson*, this rationale has been continually applied in a number of cases involving equitable distribution of property following a divorce. For example, in *Simons v. Simons*, 275 S.C. 41, 267 S.E.2d 427 (1980), the Court held that adulterous conduct on the part of the wife does not bar her special equitable interest in her husband's real

property acquired during coverture, where through her efforts, she has made a material contribution to the acquisition of such property. Of special interest is *Jeffords v. Hall*, 276 S.C. 271, 277 S.E.2d 703 (1981), where the Court applied this same rationale, notwithstanding the nature of the marriage having been part ceremonial and part common law.

Baker v. Baker, 276 S.C. 427, 279 S.E.2d 601 (1981), while adhering to the *Wilson* rationale, is more definitive of the concept of equitable distribution as recognized in this state. The Court held that the wife's right to claim a special equitable interest in

property accumulated during marriage is based upon her showing that she has materially contributed through finances or personal service to the husband's business or acquisition of property. The Court noted that such special equity would be warranted only where there exist special facts and circumstances favoring the wife which are above and beyond the normal marital obligations.

Having established the wife's entitlement to a special equitable interest in the marital property, how does a court then effect an equitable distribution of the assets? There are authorities which

have suggested that the starting point for each case should be a presumption that each spouse is entitled to one-half of the marital estate. To date, the South Carolina Supreme Court has neither expressed nor intimated approval of this presumption. Instead, it appears that a court should examine each case on its merits. "Equitable distribution of married parties' property is not to be determined by a strict mathematical approach comparing the parties respective incomes; the relative incomes and marital contributions of the parties must be weighed." *Baker*, supra at 428.

Sports Hi-Lights

Welcome class of 1985. For all of you sports and athletic buffs Law School offers a wide variety of sports to choose from. Throughout the coming year there will be racquetball and tennis tournaments, as well as golf and basketball offered. The basketball league and the racquetball tournament will be underway shortly. The basketball league will be held in the fall and spring. The format of the league will probably be divided into two leagues, A and B. The A-league will probably have an 8 to 10 team lineup with a seven game regular season schedule and one scrimmage game. The B-league will have 10 to 15 teams participating in a seven game regular season and will also have a scrimmage week. There will also be a women's basketball league which will follow a similar format. After the regular season, the leagues participate in two weeks of playoffs which will determine the respective league's champion. The champion team's name will be engraved on the trophy plaques in the hallowed SBA office, where they will always remain a part of the Law School. There are also golf, tennis and racquetball trophies in which individual champions are named.

As Athletic Commissioner, I would encourage each and every one in the first year class to participate in the Law School Sports Program. Active participation in sports is a great way to release the tensions and anxieties that come with being a first year law student. To keep abreast of all sporting events, time, places and results, I direct your attention to the SBA Bulletin Board where all events and the results will be posted. If there are any questions or any further information needed, please do not hesitate to call upon me.

David DuRant
Athletic Commissioner

A System Of Rebounds

I have heard it said that law, like basketball, involves a system of rebounds. Each of us will fail at some point in our law school career. We will not make the moot court team, miserably fumble a question in class, not be ranked at the top of our class, strike out in a succession of job interviews, or fail in some other form. Yet the student lawyer must be able to rebound from adversity in order to turn the next page, try a second option, or create a new precedent.

The worst failures I have observed in law school come in the form of apathy and non-participation beyond what is required to graduate. Those

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First Impressions: Disorientation

I remember arriving at the Law School on the first day of Orientation, Thursday, August 19, 1982; how could I forget that momentous day?

"My goodness a line," I thought as I first entered. "I'd better get in it."

I had no idea what this long snake-like line was, reaching from the lobby and continuing around the corner; but I figured I'd get in it and then ask around what it was for. Well, it turns out that nobody else knew what it was for either; they were in the line because it looked like a line they should be in. It could have been a blood test for all I knew. A few more questions, and I discover they were indeed my fellow classmates. It was at this point I recalled the famous "herd syndrome" of my undergraduate days, whereby all congregated, like some sort of human-like amoeba of likewise con-

sciousness. Should an outside threat occur, the group forms a circle and bares teeth. Should an item or document appear that was needed by all, then you could be assured of being swept along in a stampede.

As it turned out, the line was a legitimate line for registration, and much better-mannered than those of undergraduate days. While I was standing there, a person of exceeding sartorial excellence approached me and engaged me in conversation. This man must surely be a professor, so I embedded my answers with a plethora of pleasant platitudes and "yes sirs" and "no sirs." Soon another approached and I discovered, to my chagrine, that this man I had been languishing with such exceeding politeness, so as to impress Emily Post herself, was actually a fellow classmate.

Well, after that episode I thought I'd better lighten up a bit. I'd noticed a considerable number of older people in our class, so I thought I'd be affable and speak to an older man who would undoubtedly be very interesting. I saw this one gentleman standing to the side, looking confused, so I leaned over and said, "How's it going, buddy? The sign-up line starts way over there." As he gives me a puzzled look and saunters off, this other guy leans over and tells me that was none other than the Dean himself. After recovering from shock, I figured you just can't win in law school.

The sign-up is finally completed, and off we're herded into the auditorium, where everybody is looking goggle-eyed at one another. The S.B.A. president and then the Dean speak, but the thing I

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LOGGIN' LOBBY TIME

Greetings to all as we begin another school year. Despite popular demand, LLT returns for its third year...no one is safe from our roving reporters (except KP, so long as he treats a certain authoress right). For the uninformed, this column is a regular feature in Gavel Raps--rumors and innuendo are our stock in trade--anonymous tips and insider reports welcome; just drop a note addressed to Society Editor in the Gavel Raps box in the SBA office.

We're sure that you freshman think you've been thoroughly indoctrinated in the traditions of the Law School in the past two weeks. However,

we feel it's our responsibility to inform you that every law student must log at least 60 hours of lobby time per semester. Time spent discussing homework, the Big L, and other serious stuff does not count towards the requirement--it is met by engaging in idle chatter, gossip, and other non-productive pastimes. We have faith that you can do it. (Only Law Review members have been known to fail to meet it in the past).

While we do not ordinarily plug organizations, the Women's Basketball League is a cause close to our hearts. We would like to invite and en-

courage all female law students, faculty, staff and spouses to come out and play. The only requirement is a pair of sneakers--talent and prior experience are totally unnecessary. If you want to play, come to the meeting (see posted signs) and you'll be put on a team. The time commitment is minimal - about 1½ hours a week, unless your team decides to practice. Again, we emphasize that talent is irrelevant (one team has not won a game in a year and a half). It's a good time, and a good way to meet people.

...Overheard in San Francisco, where the moot court team et al was eating lunch: "Well, I guess we all know who the S.O.B. at this table is"...the year away from contracts has not mellowed Texas Tom in the least - he hit his first year class with a two part flow chart the very first day...why are window carrels on the Holiday Inn side of the

library in such demand this year? After all, the pool will close pretty soon...it warmed the hearts of all returning students to see that a certain prof. donned his traditional canary bird-of-paradise suit for the first day of school...do you think there's a connection between this event and the decorative device attached to certain grade sheets this summer?....

Disorientation

Continued from Page 3

remember most was that peculiar, wiry man called Randall T. Bell. He glides across the stage and with a mischievous glint in his eyes begins to tell us that law school is "different."

"Different?" I thought. I knew it was different. The fear of God was instilled in me when I was a youth, but that was nothing compared to this man. "A Bell once struck cannot be unwrung."

Rebounds

Continued from Page 3

who come to law school as takers for self-benefit instead of as absorbers who also give something back to the system will become the very same "taker" lawyers who give nothing more to their clients and the legal system than is minimally required to practice law. I have also observed on the other hand, 400 student leaders who assembled at the ABA Law Student Division Annual Meeting in San Francisco and demonstrated that we can and will lend an active and concerned student voice in the policy making process of the parent bar. Each of us can take a more active step toward giving something back to our school and profession by becoming a member of the Law Student Division.

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