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New York Law School Reporter, v. 10, no. 1, October 1992

New York Law School

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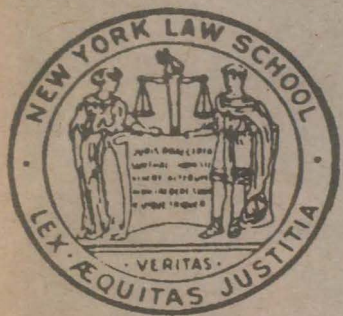
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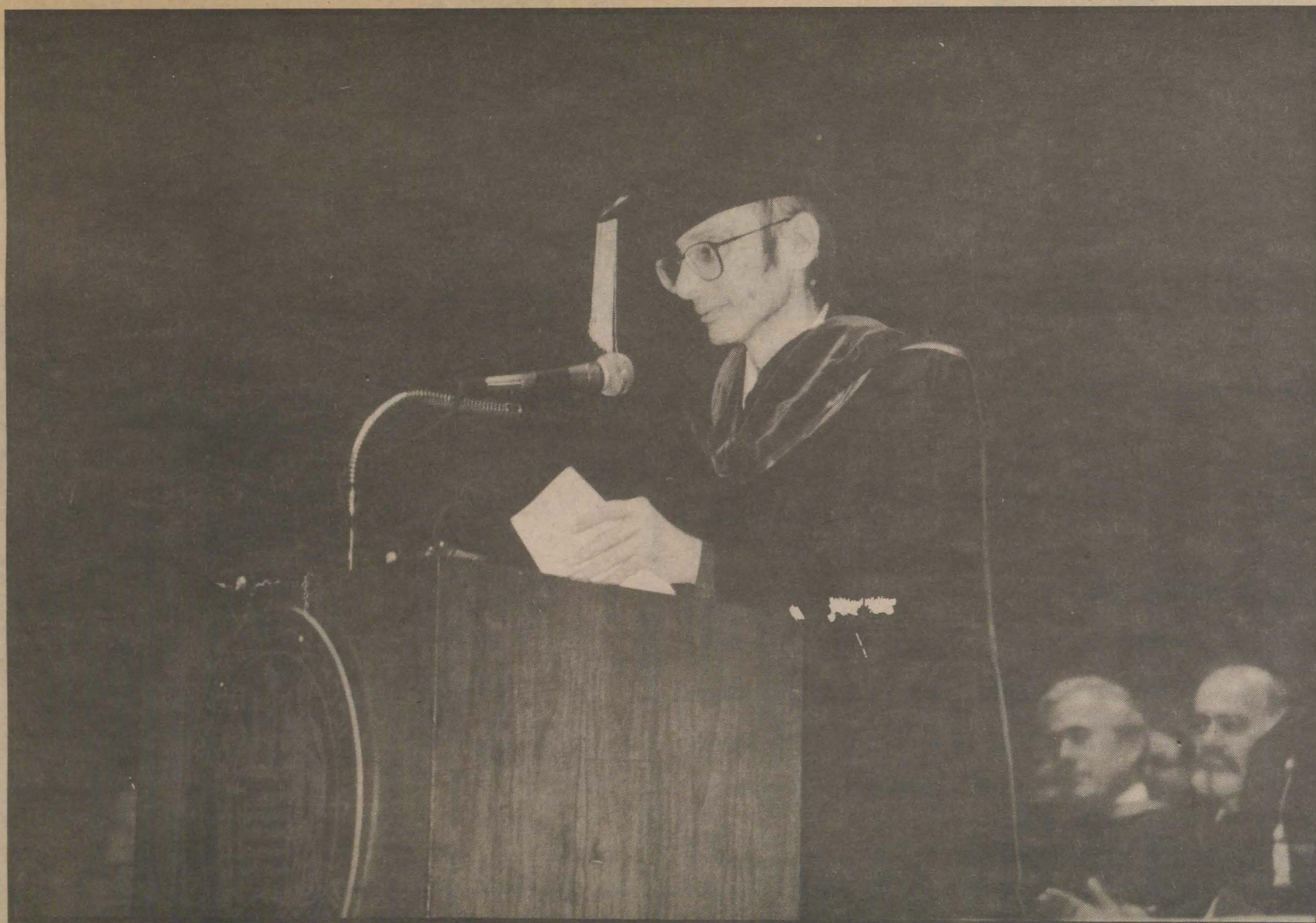
The New York Law School **REPORTER**

Volume 10, Number 1

The newspaper for reasonably prudent law students everywhere.

October, 1992

Steve Peduto Challenges '92 Grads to Serve Others



October, 1992

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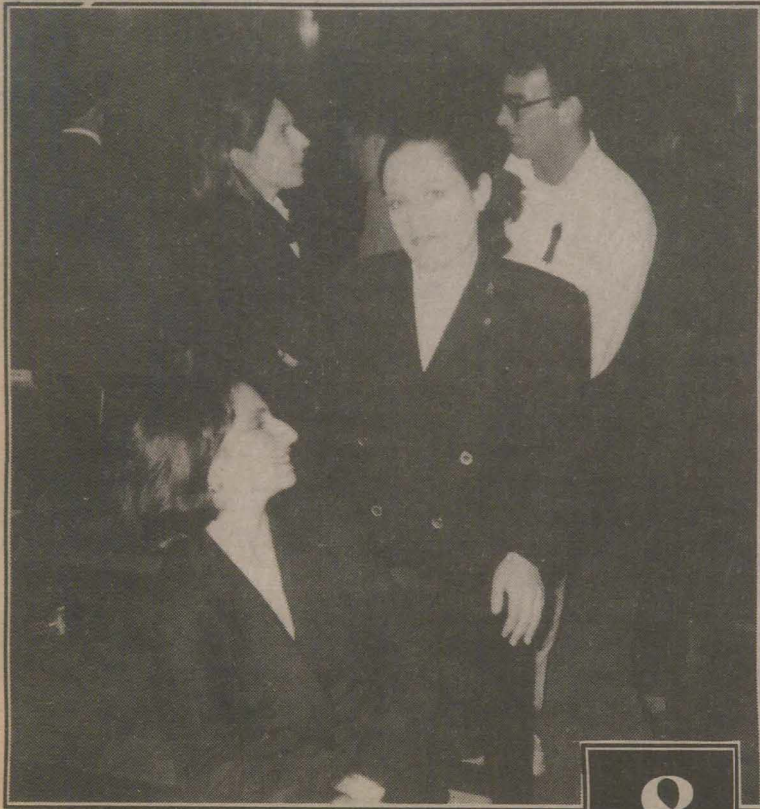
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The New York Law School Reporter

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Dedicates This Issue to
Prof. Steven Massey

Friend,
Scholar,
Gentleman.

He will be greatly
missed.

The Reporter, New York Law School's student newspaper, is a chartered student organization. The Reporter is independently published by its student members and is printed periodically during the school year.

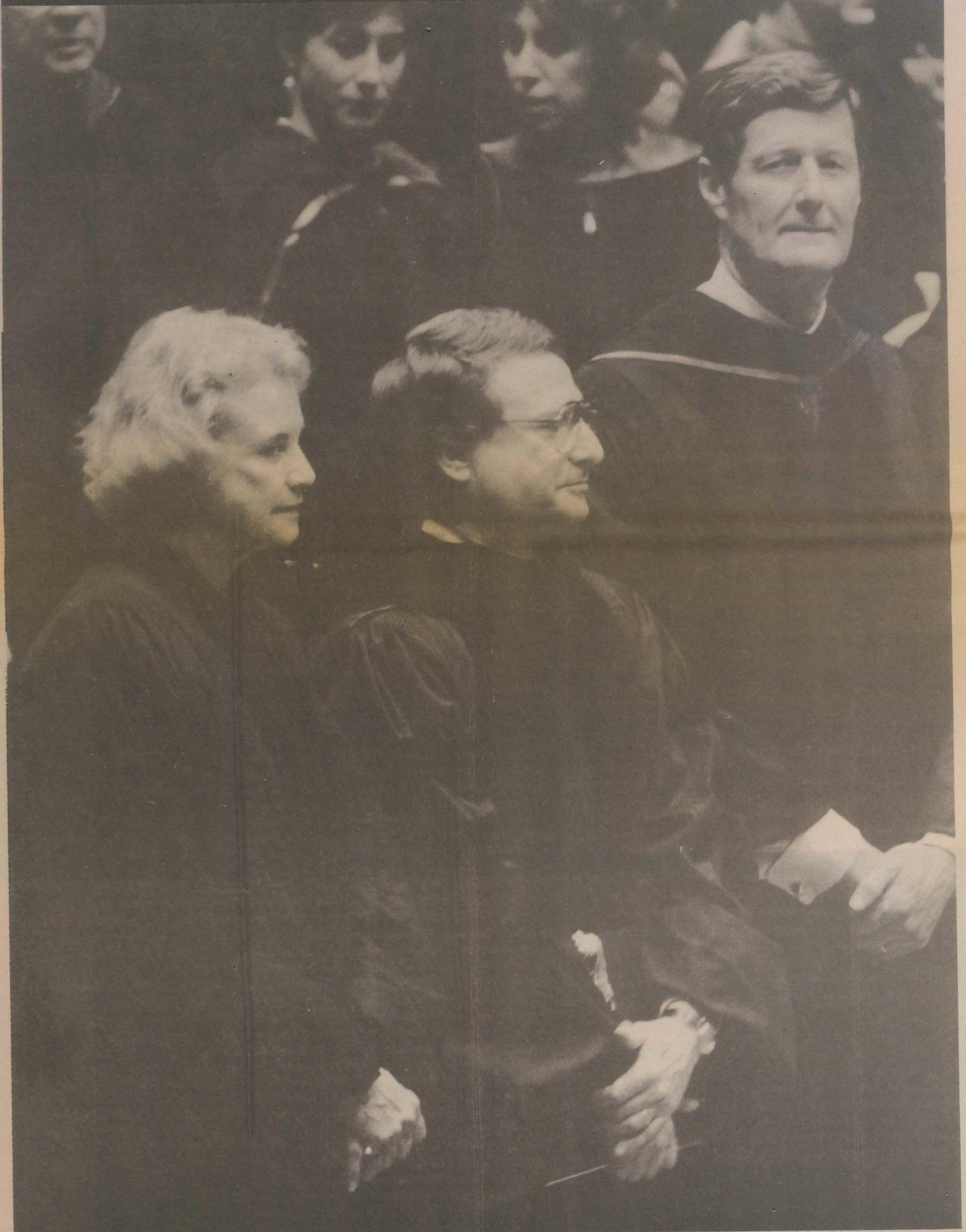
The Reporter welcomes submissions from all students, faculty, alumni, staff and other members of the legal community. All contributions are given high regard, and input by contributors is welcomed. All contributors are given the opportunity to review their submissions before the newspaper is published, subject to considerations of time and practicality. Our editors, at the request of the contributor, can assist with formulating and writing an article. Authors of articles submitted to the Reporter are ultimately responsible for the veracity of any article submitted and accepted for publication.

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Letters and other correspondence should be addressed to: Editor-in-Chief, the Reporter, New York Law School, 57 Worth Street, New York, New York 10013.

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The News



PHOTOGRAPH COURTESY OF SCOTT STAR

Justice Sandra Day O'Connor with former Dean James Simon



PHOTOGRAPH COURTESY OF SCOTT STAR

U.S. Supreme Court Associate Justice Helps Celebrate 100th Commencement at Avery Fischer Hall

By Mike Wood
NYLS '93

United States Supreme Court Justice Sandra Day O'Connor was the featured speaker at New York Law School's one hundredth commencement ceremony. The commencement was held at Lincoln Center's Avery Fischer Hall on Wednesday, June 10 1992. Justice O'Connor commended New York Law School's reputation for turning out solid practitioners. She went on to urge graduates to make "a substantial impact on the world in which you live." She also discussed need for lawyers to act to close the gap between the "need for legal assistance and the ability to pay for legal assistance".

New York Law School presented Justice O'Connor with an honorary doctorate degree for her "deep commitment to the principles" of federalism and her "distinctive independence of mind." Retiring Dean James F. Simon was also presented with an honorary doctorate for his "contributions to legal education" during his tenure as Dean.

Four hundred and thirteen graduates received Juris Doctorates at the ceremony. Several students were selected for special recognition. The Dean's Award for outstanding service and leadership was awarded to Ivonne Prieto and Robert Nourian. The Trustees Prizes for the highest cumulative grade point average were presented to Stephen Peduto (Mid-Year Division), Leo Greenberg (Evening Division), and Mary M. McDonald (Day Division). The Joseph Solomon Award for character and fitness was awarded to Joseph San Filippo. The Walter M. Jeffords award for published scholarly writing was given to John Bersin. The Alfred I. Rose Award for outstanding legal ability was awarded to Lori Wentworth. The Ernst C. Stiefel Award for the best student paper in the field of common, comparative or civil law was awarded to M.J. Quinn. The Alexander D. Forger Award for Distinguished Service was presented to Brenna B. Mahoney.

The pleasant day left graduates and spectators alike with feelings of joy, elation and accomplishment. We could only hope that next year's festivities can capture this spirit.

National Attention Directed Toward New York Law School

New York Law School's choice of United States Supreme Court Justice Sandra Day O'Connor received local and national attention. The following article appeared on page 4 of the August/September issue of *The National Jurist*, a national publication for law students.

Grading the Commencement Speakers

Every year law schools fight with one another to land the prestigious graduation speaker. This year New York Law School ended among those at the top—bringing in U.S. Supreme Court Justice Sandra Day O'Connor to deliver the commencement speech.

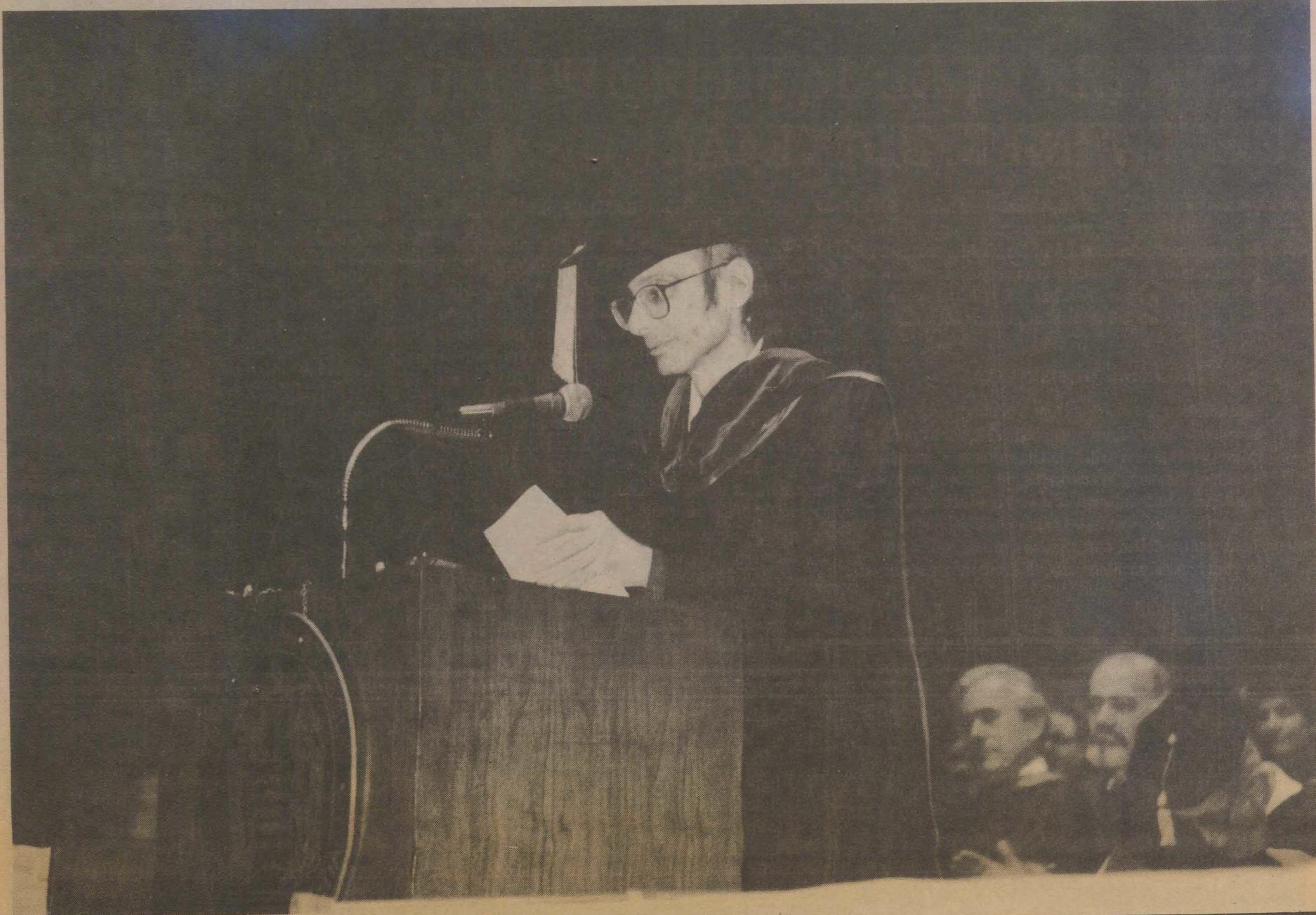
New York Law School even exported a commencement speaker. NYLS law professor and ACLU president Nadine Strossen spoke at the University of Pennsylvania.

Two Washington, D.C. law

schools—Catholic University and George Washington—shared U.S. attorney general William P. Barr. Barr spoke on consecutive Saturdays for the two schools.

Other commencement speakers included Art Buchwald at Hastings College of Law, the Reverend Jesse Jackson and New York Mayor David Dinkins at City University of New York Law School, and ambassador to the United Nations Andrew Young at American University.

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PHOTOGRAPH COURTESY OF SCOTT STAR

Steven Pedutto, NYLS '92 Struggled for a Legal Education

Stephen Pedutto, NYLS '92, was elected Student Speaker for the 1992 Commencement Ceremony. He slowly stepped to the podium, assisted by a cane. He had been hospitalized, and had not recovered from the illness that had robbed him of his physical strength. His frail condition was visible, even far back into the huge hall. He spoke slowly, but distinctly. After the first few words, the audience held itself in taut silence for his brief speech:

"Until a few days ago, I thought I wouldn't be here at this wonderful celebration. I was in the hospital, very weak and sick. I would like to speak to you about that.

"In August 1988, I started in the Night Division of The New York Law School. A few weeks later, I was diagnosed with AIDS.

"I was undertaking the legal method midterm on the day my insurance carrier called to deny coverage. But here I am today, living proof that people with AIDS can live and achieve their goals and not just die of the disease.

"They can do that provided that they have the necessary medical, physical and emotional support. I would

like to talk about the emotional support that was provided by New York Law School.

"I enjoyed New York Law School. I enjoyed the work. It was fun. It gave me something to look forward to, even on the bad days. Sometimes, after chemotherapy, I wouldn't feel all that well but I'd get myself together and go to class. The joy in the work, the joy in the school, the sheer fun of it would make me feel better.

"Second, everyone at the school treated me with respect as a person, not as an object of pity. This is the most important thing for anyone with a handicap. If you need help you ask for it and you should get it, but how impressive it was to be treated as a person and not as a freak.

"Finally, none of this would have been possible without the fact of the Night Division. I could not have done this during the day. The importance of the Night Division in helping people with non-conventional life situations cannot be overemphasized.

"I would now like to briefly talk about medical and social support. I have had wonderful medical care from wonderful doctors but the reason why

I have had that is because I am a white middle class male with a great deal of lung power. Most people with AIDS do not have those advantages.

"Now, it is wonderful to be a success in your profession, more power to you the more money you make. But in our society, as Justice O'Connor pointed out, lawyers are also asked to be advocates for justice.

"Remember this obligation. Remember those who need your help to live and achieve."

Like most law students, Stephen Pedutto fought hard for a law school education. And, like most New York Law School students he fought harder than many. But Steve Pedutto fought very hard. Besides the normal worries of balancing a job, education, study time, class time, tuition payments and loans, trying to achieve good grades and get a decent education, Steve also fought an intense and fatal internal illness. Steve managed, against incredible odds, to achieve his goal. In the face of a death sentence, Steve was determined to finish law school. The graduation ceremony took place on June 10, 1992. On July 1, Stephen Pedutto died.



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The New York Law School Reporter congratulates the following students on being inducted as candidates for the Moot Court:

Lori Alarimo	Stephen Hightower
Debra Bampton	Jonathan Ibsen
Jacklyn Bartlett	Louis Jakub
Meredith Berman	Robert Johnson
Scott Brown	Michael Lewis
Alicia Bursky	Gardenia Cucci
Nicholas Caputo	Gerard Mackey
Kathleen Decelie	Chris Mills
Peter Dicecco	Seamus Murphy
Genevieve Felix	Al Myers
Alan Field	Nick Pentakofsky
Ken Fromson	Josh Porter
Rebecca Gettner	Nalini Sehdev
Francis Hawley	Carol Taffet
Kathy Hayes	Joe Tomosullo
Angela Heres	Jeanne Weisneck

**Congratulations to all those who
competed in the 1992
Froessel Moot Court Competition**



The four finalists in this year's Froessel Competition: (Clockwise from top left) Alicia Bursky, Deborah Bampton, Genevieve Felix and Gardenia Cucci

Deborah Bampton Wins Froessel '92

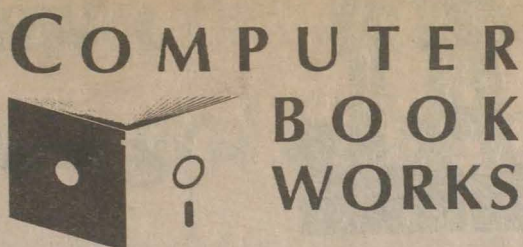
by Michael Wood

The 1992 Froessel Moot Court Competition culminated two weeks of intense competition in the finals which were held on Sunday, September 20, 1992. The final round, which pitted champions Deborah Bampton, Alicia Bursky, Gardenia Cucci and Genevieve Felix, was avidly followed by students and faculty alike.

The 1992 Moot Court winner was Deborah Bampton. The runners-up were her three final round competitors. Alicia Bursky and Genevieve Felix were voted best team. Gerard Mackey and Jonathan Porter were voted best brief. Catherine

Hayes was voted best oralist.

Over sixty teams entered the competition this year which focused on two issues. One question focused on the VIII Amendment and cruel and unusual punishment of prisoners. The second issue focused on the XIV Amendment and a prisoner's right to work release status. The co-chairs of the competition were Mike Cifelli and K. Eliza Ryder. Louis Taubman and K. Eliza Ryder wrote the problem for the competition. The success of the competition may be attributed to the caliber of many of the students competing in this year's Froessel.



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STUDENT AID: Pell Grant Monies Increased, Individual Awards Will Be Lower

By Charles Devarics
CPS Correspondent

(CPS)—A budget-conscious U.S. Senate this month approved a \$100 reduction in the maximum Pell grant next year, virtually assuring final congressional approval of the plan.

Meanwhile, financial aid advisers are warning that broader eligibility for the grants, coupled with lower funding levels, means that the competition will be greater than ever for smaller amounts of money.

The Senate bill would reduce the maximum grant in the fiscal year 1993 from \$2,400 to \$2,300. Lawmakers blamed some of the problems on previous shortfalls in the program, and the committee that developed the bill said it "deeply regrets" having to lower the award.

Nonetheless, the \$2,300 maximum grant is far below the \$3,700 Pell grant envisioned in the recent Higher Education Act reauthorization bill. Congress enthusiastically approved the reauthorization bill earlier this year, although members now admit they lack the money to support many of its goals.

During the summer, the House voted for the \$100 cut in the maximum Pell grant, also citing budget constraints.

In addition to the Pell reductions, the Senate bill cuts funding for several other higher education programs, including a small reduction in aid to historically black colleges and universities. But the Senate and House did vote to save the State Student Incentive Grant program, which was singled out for elimination by the Bush administration.

Coming on the heels of the HEA reauthorization bill, the Pell grant cut could substantially alter the nation's

major student grant program. Under HEA, more middle-class families will become eligible for aid next year, which could create a scramble for the available funds.

"We know there will be expanded eligibility," said Dallas Martin, president of the National Association of Student Financial Aid Administrators. Yet Martin expressed hope that the program—with its limited funds—will continue to support low income youth.

"I think there's a real commitment (in Congress) not to erode access for low-income students" Martin said. "People with the greatest need should get served first."

Still, he said a major goal of the expanded eligibility is to build greater national support for Pell. "If you have fewer students eligible, people will not feel they have a stake in it," Martin said. "But if they can get even a grant of \$200 or \$300 people will consider it an important program."

About 3.8 million students will receive Pell grants in 1992, the Education Department says. The average grant award is \$1,452.

HEA also created a new system to judge a student's need for financial aid. Already, some colleges have complained that this new, simplified needs analysis may hurt independent students who lack family resources for

college.

Martin said this issue—and many others in HEA—may be left until after the November election.

The Senate also approved a provision in the spending bill that would make part-time students eligible for Pell grants for the first time. Previously, part-time students could not qualify for the awards.

The full Senate approved the bill Sept. 18 after three days of floor debate in which members talked about the merits of transferring more money from the Pentagon for use in education.

Sen. Tom Harkin (D-Iowa) wanted to transfer \$4.1 million from defense spending to education and human services programs. The windfall would have been used to increase funding for Pell grants, child care, health care and several other key programs, but the plan failed by a 62-36 vote.

Action now moves to a conference committee that will meet to resolve discrepancies between the House and Senate bills. With both chambers in agreement on Pell grants, aides say it is unlikely that lawmakers will revisit the issue this year.

Some school administrators are worried that the appropriations will not keep up with the growing number

of eligible students.

Patricia Harris, director of the University of Texas-Austin's Office of Student Financial Services, said she was skeptical of the HEA bill, calling it "smoke and mirrors."

"It means that while more students will be eligible for Pell grants, the total amount of money available per student will go down," Harris told The Daily Texan. "It does make the grants more available to middle-income students, but it does BO at the expense of lower-income ones."

Others said the bill won't help the student who need assistance the most. "The government has to put together an appropriate program or needy students," Mary Haldane, director of the Ohio State University Office of Financial Aid, told the Ohio State Lantern.

Orlo Austin, director of the University of Illinois Office of Student Financial Aid in (Champaign-Urbana, estimated that 10 percent more students at his school would be eligible for Pell grants—"meaning more students will receive less money," he told The Daily Illini.



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Change in New York Bar Exam Test Date Will Change Career Plans for New York Law Students

By Mike Wood
News Editor

Third year law students throughout New York State are about to be hit with shocking news. After three years of preparation to take the New York/New Jersey or New York/Connecticut exams in July, the students will not be able to take New Jersey or Connecticut exams with the New York exam because the New York Board of Bar Examiners has unilaterally changed the local New York segment from the traditional Tuesday test date to Thursday. This has traditionally been the local test date for the Connecticut and New Jersey exams. In the past, many, if not most, New York

students would take the New York local segment on Tuesday, the MBE on Wednesday, and the New Jersey or Connecticut local segment on Thursday.

The New York exam has been rescheduled because this year the July 27 test date falls on the Jewish holiday of Tisha B'av. Those who observe Tisha B'av fast on that day, which would put them at a disadvantage in taking the bar exam.

Some students have asked that the local test date be changed to Monday, July 26. According to the September 29, New York Law Journal, "[t]he Board did not move the test to Monday, July 26 because of the additional cost of preparing the Javits Center on Sunday; it cost \$150,000 to rent and prepare the site this year."

Joseph Brennan Wins Nomination for State Assembly Race

On Saturday, May 9th, 1992, the members of the Libertarian Party of New York State in attendance at the '92 State Convention, in White Plains, N.Y., voted to give the Party's 1992 Senatorial nomination to schoolteacher and longtime party member Norma Segal over NYLS student Joseph D. Brennan. The vote, which came after a debate between the candidates, was 29 for Segal, 16 for Brennan, and 6 for None of the Above.

Although Brennan is relieved that it's all over, he feels that he won the debate and would have been the better candidate. "The debate was no contest. I clearly won by a broad margin, but she won the nomination based on her years in the Party. She had asked a lot of people who had known her for years to vote for her as a personal favor. Many of these people, especially the ones from Westchester, where she lives, and Albany, just didn't know me as well. I've only been a member for two and one-half years. I think it was a hard decision for many of them because, although they had promised to vote for her before the convention, after they read my campaign literature and witnessed my performance in the debate, they realized that I was the better

candidate."

Segal failed to win by a 2/3 majority, as required by the Party's by-laws, but Brennan conceded the election to Segal after bickering broke out between supporters of the two candidates over whether a second ballot was required.

The body went on to endorse the nomination of Brennan for the New York State Assembly seat for the 18th Assembly District on Long Island. Brennan notes, "After the nominations had been decided, I had a longer receiving line than Norma had. I was amazed at the number of people who congratulated me and who promised to support my campaign for State Assembly. The Suffolk County Party promised to work for me in Nassau and everyone was very warm and encouraging."

Later in the day, Brennan was elected to fill one of two Vice-Chair positions in the State Party. Brennan's Campaign Manager, an incumbent, won re-election as the other Vice-Chair. Vice Chair is the second highest office in the State Party organization. None of Segal's supporters were elected for any of the positions as officers for the State.

McKay Community Outreach Law Program Homeless Clinic

The McKay Community Outreach Law Program of the Association of the Bar of the City of New York operates a homeless clinic on Wednesdays. Volunteers interested in assisting the homeless will be trained in providing counseling and/or representation regarding public assistance benefits, food stamps and medicaid.

The Legal Clinic for the Homeless Pro Bono Training Program will be held monthly. The training program will be held at the headquarters of The Association of the Bar of the City of New York, 42 West 44 Street, Manhattan.

FOR MORE INFORMATION, CONTACT LAURIE MILDER, DIRECTOR OF COLP AT (212) 382-6629.

THIS OPPORTUNITY IS OPEN TO FIRST YEAR STUDENTS.

Haitian Refugee Assistance Project Seeking Volunteers

The Association of the Bar of the City of New York's Robert B. McKay Community Outreach Law Program is working in cooperation with the Catholic Legal Immigration Network, Inc. and the Church World Service to provide counseling for Haitian immigrants seeking asylum in the United States.

To date, the organizations have held two training programs attended by over 180 lawyers, paralegals and law students. More volunteers are needed. Volunteers serve as interpreters and assist in preparing asylum claims for Haitian refugees.

Since May 25, about 60 volunteers have been assigned cases.

For more information, or to participate in the Haitian Refugee Assistance Project, call Katy Mendez, coordinator of the Robert B. McKay Community Outreach Law Program's Pro Bono Support Unit at (212) 382-6679.

Minority Fellowships Available in Environmental Law

The Environmental Law Committee of the Association of the Bar of the City of New York and the Environmental Law Section of the New York Bar Association have announced they will jointly award minority fellowships in environmental law.

The fellowships will provide minority law students with summer internships and an opportunity to work with the State Bar Section and City Bar Committee during the school year. The fellowships are funded by the New York State Bar Association's Environmental Law Section, the Mary Flagler Cary Charitable Trust, and the Association of the Bar of the City of New York Fund, Inc.

For additional information, call the Association of the Bar of the City of New York Fund at (212) 382-6630.



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Congratulations on making Moot Court Rebecca Geffner. We knew you would do it! — the guys at the Harley Shop

Club News

Black Law Students Association

The executive board of the Black Law Students Association would like to welcome the incoming first year students as well as those students who are returning. The purpose of BLSA is to further address the educational needs and goals of the Black law students at New York Law School and to develop programs utilizing our legal training to address the legal and non-legal problems in the Black community.

One of the events that BLSA will co-sponsor with other organizations is an outreach program that will have high school students who are academically at risk experience a day at NYLS. This program has inspired students to do better in school and go on to college.

We will also conduct a law forum which will provide attorneys in a low income community to answer questions related to criminal justice, immigration and family law. A voter registration drive is also planned. If you would like additional information the BLSA office is located in C104 and our phone number is 431-2119.

Wishing you a successful semester.

Gay and Lesbian Law Students Association

Welcome to all new and returning students from everyone at the Lesbian and Gay Law Students Association! Last year was a great year for LGLSA and New York Law School, and we hope this year will be even better.

On June 28, LGLSA represented New York Law School at the 22nd annual Gay and Lesbian Pride Parade on Fifth Avenue. Participants gathered before the parade at the home of Professor Arthur Leonard, and arrived at the starting point *en masse*.

This semester, LGLSA held its first meeting on August 27; more than 30 people attended. Upcoming LGLSA events were scheduled at the first meeting.

Keep your eyes open for flyers promoting the event of the season, the LGLSA fall membership party. This semester's party will take place at the home of Professor David Chang, 311 Greenwich Street, Apt. 4C, on October 17, starting at 7:30 p.m.

Earlier in the semester, the Lesbian and Gay Law Association of Greater New York (LeGal) held its first ever "Office Supply Party," at its new office, 799 Broadway (at 11th Street), on September 14th. On September 23, Lambda Legal Defense and Education fund hosted its annual reception for New York area Lesbian and Gay Students. The event took place at Lambda's offices on the 12th floor of 666 Broadway (just north of Bleecker Street).

As always, for information about future LGLSA events, or to be included on the LGLSA mailing/phone list, leave a note in our mailbox or contact our esteemed coordinators, Jennifer Green and Scott Salzman.

- Otis Damslet

Otis Damslet is a third-year student and media coordinator for the New York Law School Lesbian and Gay Law Students Association.

Civil Rights & Discrimination Laws Society

The Civil Rights and Discrimination Laws Society will seek to be officially recognized by this school this coming semester. The Society will be open to all students regardless of their race, sex, religion, sexual preference, political affiliation, etc.

The Society's purpose is to allow those students who have an interest in Civil Rights and other related areas, whether they intend to practice in that area or not, to learn more about such laws. We will do this by examining the different federal, state, and local discrimination laws. We also intend to conduct symposiums and presentations with speakers from different areas of law and with different viewpoints.

Anyone with any interest or ideas please contact Seamus Murphy by dropping a note in his mailfolder.

Employment and Labor Law Student Association

Welcome back! If you are interested in employment law, employee benefits law or labor law, the Employment and Labor Law Student Association (ELLSA) is the organization for you. Our office is in room C-106. We haven't yet scheduled our regular meeting dates for 1992, but we have several activities planned for the 1992-1993 school year.

Many students are interested in the growing field of employee benefits law. There is a need for individuals who are working with employee benefit programs to develop a comprehensive understanding of the concepts and principles that govern employee benefits. The Certified Employee Benefits Specialist program is the preeminent national program that in the field.

The Wharton School of the University of Pennsylvania and the International Foundation of Employee Benefit Plans cosponsor the "Certified Employee Benefit Specialist" program. The program consists of guided study and national objective examinations in ten areas of employee benefit administration. The ten examinations are administered over a three day period in January and July.

The program has three purposes:

1. "To enhance individual capabilities in fulfilling responsibilities in the employee benefits field at a high performance level."

2. "To provide a measure of professional recognition to those who

achieve significant competence in the field by passing a series of national tests."

3. "To assist the public in evaluating the academic qualifications and competence of persons having responsibility for employee benefit plans."

The Employment and Labor Law Student Association is sponsoring study groups for the entire range of CEBS examinations. It normally costs \$150.00 to take each exam, but study group members will be able to take advantage of the special student discount of 50%. A one time registration fee of \$100 applies as well.

The ten examination study areas will be:

Course I-Employee Benefit Concepts and Medical Care Benefits.

Course II-Life, Disability Income and other Welfare Benefit Plans Design and Administration.

Course III-Retirement Plans: Basic Features and Defined Contribution Approaches.

Course IV-Retirement Plans: Defined Benefit Approaches and Plan Administration.

Course V-Contemporary Legal Environment of Employee Benefit Plans.

Course VI-Accounting and Finance.

Course VII-Asset Management.

Course VIII-Human Resources and Compensation Administration.

Course IX-Employee Benefit Plans and the Economy

Course X-Contemporary Benefit Issues and Administration.

The exams will be administered at the College of Insurance, (about four blocks from school) on January 19, 20 and 21 and on June 15, 16, and 17.



Media Law Project

If you did not qualify for a journal or moot court, you will be happy to know that you still have an opportunity to display your academic prowess. The **MEDIA LAW PROJECT** publishes a nationally distributed, academically oriented newsletter each semester. The Media Law Project strives to present a broad array of topics in various areas of "media law" (including law dealing with Art, Advertising, Broadcasting, Cable, Communications, Copyright/Trademarks, Entertainment and Publishing). The publication is distributed to most other law schools, top communications programs, alumni, and various professional organizations. If you have the ability to write an intelligent research piece and you wish to publish it, the Media Law Project is the answer for you.

Article topics are typically chosen by the writer. For more information, please attend a Media Law Project meeting or contact the office. Meetings are held every Tuesday at 5:30 p.m. for evening students and 6:00 p.m. for day students. The location of the meeting is posted on the office door at Room C102 (across from the lockers). The first draft of articles is due on October 27th. The final copy is due on November 6th.

The Hand that Was Considering to Rise

By Tom Mavis
NYLS '93

Eyes carved through a mist which clouded the clarity which they otherwise consistently created. Although purchased the night before, the haze was nevertheless heavy enough to cause not only marred vision, but hands that trembled, and organs that quaked. As the possibility of comment swelled the effects multiplied, climaxing in a self-perpetuated knee dance which sent tremors to only those who took the time to notice. Adrenaline began to shake its founders very existence, and when mixed with the remains of the night past, was able to formulate a weight in the hand that was considering to rise. A simultaneous thought and action to see if others sought comment only increased the anxiety which in turn created an epic confrontation within the halls of the thought prison from which it came. Instinct steps forward and lowers slowly into trenches with reason as they struggle to resolve, and although inevitably a compromise will be found, the initial confrontation is fierce, the only conceivable outcome yes or no. It is too late now to let it flow for the battle which has begun has already made that avenue impassable. If an animal was involved it would have killed or retreated long ago. Yet had it moved away, it may have been subjected to the sight of a peer successfully maiming the prey at issue. Had it destroyed, it may have incurred the humiliation of defeat. Yet indecision leaves only questions. Action, experience. The grass is always greener, but it is only once the battle is allowed to begin, and the balance which perennially must be struck not allowed to formulate on its own will one ever be in a position to see which side of the street they are on. Michael Jordan surely does not have time for such battle while maneuvering on a court, nor does the member of a great orchestra during a cascading crescendo. Balance simply must be allowed to occur. If an animal were involved, it would have killed long ago.

Perhaps it was the hangover.

The chance to comment past, an other [sic] answered the professor's question.

Reporter Election '92 Poll

With which political party are you registered to vote?

Democratic
Republican
Other _____

Which Presidential candidate would you vote for?

George Bush
Bill Clinton
Ross Perot

Other _____

Please return the completed polls to the box in THE REPORTER Office C-102. The results of the poll will be published in the next issue. Please do not stuff the ballot box, this is not Chicago. The results of our prior poll were quite apathetic.

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Features

TAKE MY ADVICE PLEASE!

Some Cynical (and Unserious) Advice From Your Average Third Year Know-It-All

By Michael Simone
NYLS '93

I commissioned myself to write a bit of advice on law school for all you new 1Ls. Please excuse the fact that I am slightly cynical. Okay, I am mostly cynical. I need a vacation and school hasn't even begun. So sit back and take some tips from a stressed out third year. You won't regret it.

LAW SCHOOL

Don't even start. Go straight to the second floor and get a full refund. Catch a flight to some South American country before your parents or your bank knows what hit them. Change your name, marry a local, and live like royalty happily ever after.

TUITION

Borrow it. Studying like mad (if you decide to stay). Find out how to keep from paying it back (there must be some sort of bankruptcy loophole — if you find it, please tell me).

STUDY GROUPS

Find four people you never want to become friends with. Plan to meet twice a week to discuss all you wonderful classes. Let them outline all the cases for you. Sit around for an hour and stare blankly into space while they discuss the metaphysics of what they have learned. Collect their work. Be a nice guy and buy them all a beer (optional).

READING PERIOD

One...two day max. Time to make friends with the upperclass students and find the best outlines from years past. Steal your classmates outlines. Break up with your significant other, because during these couple of days, you have more important things to do with your life (you'll get back together for Christmas — I promise).

Look through tests from past years. Pull out all your hair because your professor taught completely different material way back when. Don't get any sleep. Whatever you do, don't under any circumstances look at a casebook for the very first time — the shock may kill you.

CASEBOOKS

About 1,000 pages or more of nothingness. Actually, a lot of thought goes into the writing of these books. Unfortunately, not a lot of thought goes into putting them together. Incredibly significant cases are chopped into edible lengths that leave them void of meaning. The cases are arranged in such a way as to be a clever imitation of randomness. Refer to the table of contents as often as possible to remind yourself of what you are reading (Hint: I base my outlines on the table of contents).

Perhaps what is most striking about these books are the prices. Since you've

already committed yourself to going to law school, it is best to just give the nice person at the register your credit card and close your eyes when you sign the receipt. You just don't want to know.

HORNBOOKS

You do not need to buy these books. They are on reserve in the library. Okay, buy Prosser on Torts if you want to impress the professor, but you don't need to. Everything you need to know is in your casebook and commercial outline. If you try to take

On the Secret to Study Groups:

"Find four people you never want to become friends with... Let them outline all the cases for you. [Then] collect their work."

in to much, you will probably drown in unnecessary details.

COMMERCIAL OUTLINES

Don't be embarrassed. Everybody does it. They are less expensive than the casebooks, but they are more expensive by the pound. Your professor may try to get around them by assigning a lot of outside cases. However, some professors consider them a legitimate study aid (a certain Constitutional Law professor reads word for word out of one during class) BEWARE! Some of these outlines are just that — outlines. They can get pretty sketchy. Ask us experienced upper-classpersons about the best ones before you buy.

CASE OUTLINES

I seriously do not remember to much about these. I haven't tried to do one in over a year. I know it is hard to believe, but you will be the same way too.

IRAC

This stands for Issue, Rule, Analysis, Conclusion. This is the suggested form for answering all law school tests. Quite frankly I've never noticed whether or not I use this format. I'm usually too busy answering the questions. But I have made a couple of insightful observations.

First, the issues are hard to spot. Hence the reason why law school tests have been called issue-spotting tests. The issues usually have something to do with the table of contents of your casebook.

Second, the rules are pretty simple. They are the first things you should memorize during the year. They are often found

somewhere in the cases.

Third, during the analysis you should argue both sides of the issue. By the way, that is how you spot an issue — it has two or more sides. One-sided issues aren't really issues at all. Besides, they also aren't very interesting to write about.

Lastly, if you have time, try to sum things up. Try something like this — "In conclusion, professor, this was a lovely class and thank you for teaching it." This conclusion isn't very helpful, but it works a lot better than a conclusion that contains a whole bunch of nasty expletives.

PROFESSORS

What you should call teachers now that you are in law school. These are the very intelligent creatures who stand at the front of the room. For the

first couple of weeks it may sound like they are speaking in tongues, but after a while you will understand what they are saying. They will ask you many of silly question, yell at you when you are not prepared, and give you trivial clues to what will be on the test. After class, many of them are really friendly people who love to be on a first name basis with their students.

LAW REVIEW (OR JOURNAL)

The top third of the class gets on to these. It looks good on a resume. If your grades weren't that good, you can write on during a competition held next summer. I don't know much else. It's top secret stuff.

THE TOP 10%

Where you have to be if you want to find a job after you get out of this place.

GOOD LUCK!

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Through a Jaundiced Eye

an occasional column of comments by disgruntled students

This feature is meant to be a satirical expose of problems at NYLS. The events are deliberately overdrawn. Any resemblance to any individual, living or dead, is coincidental.

By an NYLS student who has requested anonymity

Welcome back!

1. This summer I (and probably all students) received a packet from "Career Services". The packet contained three stapled pamphlets; one, which was somewhat useful, detailed the production of a resume. Of course, if I was looking for a summer job, it might have been more useful, had it arrived before the summer break. The second packet was not memorable, but the third packet—what a treasure! It promised the names of employers who would participate in the on campus interview program. I tore through the list, anxious to see what employment my NYLS education might make available. Line by line I read the qualifications which these employers sought: Top 10%; Top 15%; Top 10% and Law Review; Top 15% and Moot Court; Top 20%; Law Review. (To be fair, three or four firms did not require top

%.) I almost expected to see "top 10% National law school"!

As I filed this information with the rest of my junk mail in the circular file, I felt depressed. I wouldn't make top 20% even if Martians abducted the entire eighth floor! (NB offices of the journals and moot court and home away from home for The Mystical Order of the Top 20%) I wouldn't have time for a journal (if I did qualify—and I don't) and I'm not interested in Moot Court. I'm not depressed about not making the top 20%, not making Law Review or not being on Moot Court. I am depressed because I am spending an extraordinary and ever increasing amount of money to be educated by an organization that would waste hundreds of dollars on printing and postage mailing this packet out to the entire student body. By any definition, 80% of the students who received this packet did not belong to the top 20%! Nothing justifies the waste, however perhaps the waste justifies continued employment for Career Services types. (But, to be perfectly honest, even this wasted motion is an improvement from the do-absolutely-nothing, not-in-the-office-today, Career Services of two years ago!)

2. Like all students, I was amazed to see the student lockers moved into

the student lounge. Since the lockers now take up 65% of the floor space, our student "get togethers" will certainly be more intimate this year. It is a nice surprise that the school is not charging us the traditional \$2 this year. The new location is closer to the action. Last year we had to thread our way through an extra floor of corridors and steps to reach the lockers. Of course, last year, lockers 1 through 3 were to the immediate left of lockers 4 through 6. This made finding a locker relatively easy, even for students not accustomed to running through mazes, like myself. This year, in an attempt to make NYLS even more stimulating, the administration decided to mix up the lockers. Locker 694 is next to locker 213, locker 3 is next to locker 542, one hundred lockers now seem to be missing from the lineup completely (Could Dean Farago have taken them with him when he left NYLS for CUNY during the Summer?) I believe that this shows a definite lack of planning and I blame the workers who screwed up. Another approach might be to blame the supervisory personnel. What supervisory personnel? Who planned this? Was it planned? Who was in charge? Who was supposed to be in charge?

3. Try walking through the halls of New York Law School. First year students, and continuing students who should know better, clog every narrow point between Buildings A and C. The halls are much too narrow for an institution of higher learning, not to consider the 1500 students who must daily pass through. Only the entrances at Church Street and 57 Worth are open. The reduced access forces 80% of the students to walk in front of the elevators in A building. This hallway is very narrow to start with. Add students packed four deep waiting for the elevators; add a thousand students trying to thread through; and on top of that, every moron in the school wants to stop and talk to friends: "I love your tan!" "How was your summer?" "Where is the bookstore?" "What are you taking?" "Don't you think miniskirts look a lot better on women than shorts do?" "Don't you just love the nice people up in the Student Affairs Office?" These comments resound over the angry growls of the three hundred people trying to get through but waiting for the serious conversationalists to stop blocking traffic.

4. I also want to know why someone hasn't removed that window that partially blocks the hall between the student elevator and the faculty (financial aid express) elevator. Is it necessary? Would the building fall apart if it was removed? Does somebody think it prevents students from walking in front of the elevators? Well, they are wrong. More than once I've thought about putting my fist through that window in an act of defiance. Unfortunately, I'm uninsured.

While I'm complaining about access, why are the buildings only connected by single doors which are

usually closed. There are over a thousand students here during the day who have to get from "A" to "C" buildings between each class. Put double doors in. Keep them open during school hours. I promise that this will dramatically improve locker-to-class time. So far this semester I've been averaging 10 minutes. I could cut that time down to five minutes. However, the people I walk all over and slam into walls don't seem to appreciate this. They perceive me as self-centered and cruel when all I'm really trying to do is get the most of my money by getting to class on time. I know! I know! This is self-centered of me.

5. The second day at school, and already the computers in the library are all taken. Legal writing hasn't even started yet. Last year, the student services promised to release "surplus" computers (which were being upgraded) from the faculty to the student organizations. Where are these computers? Did they really get sold as scrap? Are they being used to fill in the moat in front of 47 and 43 Worth Street?

6. What do they do in Student Services? They put out a newsletter of information. They kill hundreds of trees a year with these memos. Of course, they could put the information into *The Reporter* or *Frolic and Detour*, but then what justification would exist for Student Services? So, like Career Services, they continue to murder innocent trees as offerings to the god(dess) of job security. They also continue to stuff mailfolders with junk. I have noticed that Student Services has moved to the so-much-more-accessible fifth floor. There they are guarded from unwanted intrusions of students seeking services by a lockable glass door, protected by a new receptionist position and hidden behind a new hallway.

7. I would like to thank the person who's idea it was to allow us lowly students to use the faculty dining room. Bless you. It takes great ambition to travel up to the fifth floor on one of the slowest elevators known to man or woman, to eat a stale bagel with too much cream cheese. As a result, the room is usually empty; thus I can eat my meal in peace, not surrounded by nervous first years bitching about their classes and smoking cigarettes. I truly love the idea of placing the cafeteria where students are least likely to want to go. The concept is in harmony with the major law school maxim "only the strong survive." Only the strong eat lunch in peace.

Other great features of the Career Service's planning room, A.K.A. faculty cafeteria, is that it has a great view of that parking lot you don't have a space in, and the presence of a faculty member is a very rare and special occasion. It makes me wonder whether the faculty ever used it to begin with? Do professors actually eat? If the fac-

(continued on page 20)

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“Ex-Colonial” Visits the “Mother Country”

PHOTOGRAPH COURTESY OF CHERYL WILLIAMS

By Cheryl Williams
Copy Editor

Like many other “ex-colonials”, I had this deep desire to visit England. It was not openly expressed too often, for in the post-colonial days we strove quite correctly, to jettison the mantle of England. We resisted the doctrine of inferiority that told us that the post colonial world had no option but to assimilate the ways of the West in that march towards some occidental light of development. We did not want to become what Vidia Naipaul termed the Mimic Men, or what one of my colleagues called the Afro-Saxons. We built movements, reformed our education and economies and sought to create our own philosophies of development that neither aped western capitalism or eastern communism. I was and am a cultural nationalist. I declared myself liberated. England was the adopted mother yes, but Africa the source.

I was determined not to be the conventional tourist. I had known too much the contradictions of our relations. So it was that I reluctantly admitted to falling in love with England, even while hating its politics and being pained by its contradictions. How similar England was to the Caribbean countries from which I had come! It is there in the structure of the city, the organization of the combined vegetable and clothing markets, in the quiet civility of the law courts at the Old Bailey, and smaller meal portions, unlike those found in America. I revelled in the familiarity of narrow streets, left hand drive, and the presence of old yellow Ford Escorts like the one I had left behind in the Caribbean. It was for me a livable place.

Determined to know all sides, I demanded to be taken to the council flats to really see how the poor lived. Was it rose colored spectacles that made me see even these in a better light. Margaret Thatcher, in her bid to throw responsibility back on the poor, encouraged the residents to buy the council flats previously rented for small sums. Some I spoke with were satisfied with the arrangements. Many weren't. Yet the council flats still retained their livability. Many buildings are long row like cottage houses. Some try to retain a semblance of old architecture. There is a movement here against tall many storied buildings called Tower blocks. Too many people had died violently within. Some, including Prince Charles, had argued that these places encourage stress. I agree. Many have been knocked down.

Like America, England has been in a recession that seems much like a depression. I passed several union demonstrations outside the London Council office where many workers were being made redundant. As in America, there is a lot of debate in England about welfare. The most notable outcrop of the widespread poverty is the roving band of poor, called “Hippies.” They roam the countryside, camp where they may, and have dance and religious gatherings. A recent dispensation of welfare checks to them on an open field was used as the occasion to debate whether welfare should be given out at all. But I agree with the speaker who said there will be no need for welfare when all can be given jobs and a decent living wage. Neither in America nor England is that a reality.

England is a country of lace, tafeta and mothballs. It is reputed to be

a treasure chest for history buffs, traditionalists, lovers of the old architecture and for those with a metaphysical eye. It did not disappoint. I did and do not want practical explanations of how someone made the mysterious crop circles but prefer the mystery the guide evokes as he talks of how they form a straight line from Stonehenge to France. I do not want rationalizations of how or why Stonehenge or the mysterious African heads in Central America came into being. I prefer the ancient myths/truths.

If anything it is England's buildings which capture the magnificence of its past and still breed energy into its myth of grandeur. I stood agog in ancient cathedrals like St. Paul's and Westminster Abbey, exploring the wondrous layers of Norman, Gothic, and Tudor architecture. I continue to wonder why modern man can only build these tall thin stalks of soulless steel. Is it symptomatic of the now vaunted missile civilization?

There is no simple answer. Even as I marvelled at these magnificent buildings, I knew with bitterness, that this grandeur did not represent the lives of the poor and powerless then, may even have been built on their backs, as the later grandeur was built on the backs of the “colonial outposts”. Romance quickly fades. The awe is tinged with ambivalence for the proof is not far. These cultural repositories are full of statues and memorials celebrating pomp and power, inequality, the generals, the battles, the conquests. Even in the churches, there was the coexistence of ancient veneration with the darker side of conquest and domination.

The arcane and powerful symbols of mystery and metaphysics which

adorn these buildings speak of civilizations not accidentally wrought, but powerfully built. Here were symbols common to many ancient religions of this world. How familiar the sword, the axe, the animal forms! Yet when similar forms appear in non-European religions they are branded superstition, cult, folk, inferior. It is only perceptive men like Joseph Campbell who understand the common sources. I thought how in the colonial world we were taught by Christendom to ignore these powerful tools of the spirit. Was it not this decimation of our spiritual heritage that also weakened the “tribe” and made us ripe for colonization?. There are so many lessons to be learned from history. If man can only be humble and understand the common source much will be cured. Even as I stood in the streets surrounded by these symbols of continuity and pride, the radio blared new plans to deal with Iraq. So casually war comes to the lips, so easy to conceptualize except when it comes to your door. Pacifists like myself pray for other solutions and only dream.

I felt transported back in time in the city of Bath. The tourist guides play its ancient lineage to the hilt, but it is truly a remarkable city. How can the eye deny the ruins that date back centuries, a whole city preserved to sell the historic myth. Yes, the spring water looked foul, but who cared. Ex-colonial or European tourist we were all entranced. There were other eye-openers. The guide in Bath reminded us of how important tourism is to the British economy. My own country had resisted tourism for a long time. We did not want to sell the myth of sea, sand, sunshine and exotica. But unlike

(continued on page 18)

HELPFUL HINTS ON PASSING THE BAR EXAM

By Barry H. Block,
D.P.M., J.D., NYLS '91

For most graduating students, saying goodbye to NYLS is an anti-climatic experience. Sure it's great to have a Juris Doctorate, but the real task lies in the coming months. You aren't a "real" attorney until you pass the dreaded Bar exam.

Since the first day you entered this school, you have been bombarded with literature from BAR/BRI, Pieper and other review courses. If an annoying question, "Do I really need a bar review course?" ever enters your mind, let me tell you the unequivocal answer-- YES. No matter how well you did in your courses, very little you did in law school prepares you for this exam.

The Bar exam is an initiation of sorts. The questions, although legally based are designed not only to test your competency in identifying legal issues, but more importantly your ability to recognize the exceptions to the law.

This article will concentrate on the New York Bar Exam, which most NYLS graduates will take. It is, however, recommended that you consider taking

another state Bar exam such as New Jersey or Connecticut at the same time. This requires an additional exam day, but saves you the effort of taking the Multistate Bar Exam (MBE) a second time. It is also difficult, time-consuming, and emotionally traumatic to prepare for the bar exam a second time.

The good news about the New York exam is that in recent years 80 percent or more of first time takers will pass. This means that if you can avoid being in the bottom 20 percent you will pass. The bad news is that New York requires you to know about 20 topics as compared with only 6 on the MBE or in a state such as New Jersey.

THE MBE

The MBE is one of the most fascinating multiple choice tests you will ever endure. It takes one day (split into two 3 hour and fifteen minute sessions) and is worth 45 percent of your bar score.

The MBE consists of 200 multiple choice (guess) questions divided more or less equally between the core topics (Contracts, Torts, Evidence, Property, Criminal Law and Procedure, and Constitutional law). To pass the bar you should aim to get about 60% of the questions correct. You can pass with less, but this will put much pressure on you for the more subjectively marked essay portion of the exam.

Sixty percent doesn't sound too hard until you actually start taking practice tests. A typical question might read "From the following fact pattern choose the least persuasive argument?" You read the fact pattern and thinking like a well-trained law student you are immediately tuned into the most persuasive argument. If you are nervous, you might even accidentally pencil that choice in. Assuming you have read the fact pattern **carefully** you will eventually get down to two excellent choices, one slight better than the other. Meanwhile the clock keeps ticking.

I found that many of these questions were sheer genius and decided that I would aim for the highest score possible (one of the paradoxes of the NY Bar exam is that the MBE score is usually the only one you receive. The only way you receive your essay score is if you fail). My recommended method for scoring high is not to try to outthink the question. The best way to prepare for the MBE is simply to take test after test after test analyzing why you got a particular question right or wrong. You must allot much time for this. I estimate that I studied three thousand old questions. My reward came when I recognized many old fact patterns and instinctively marked the right answer. Many of these questions had also appeared in the BAR/BRI course I took last summer.

The New York Part

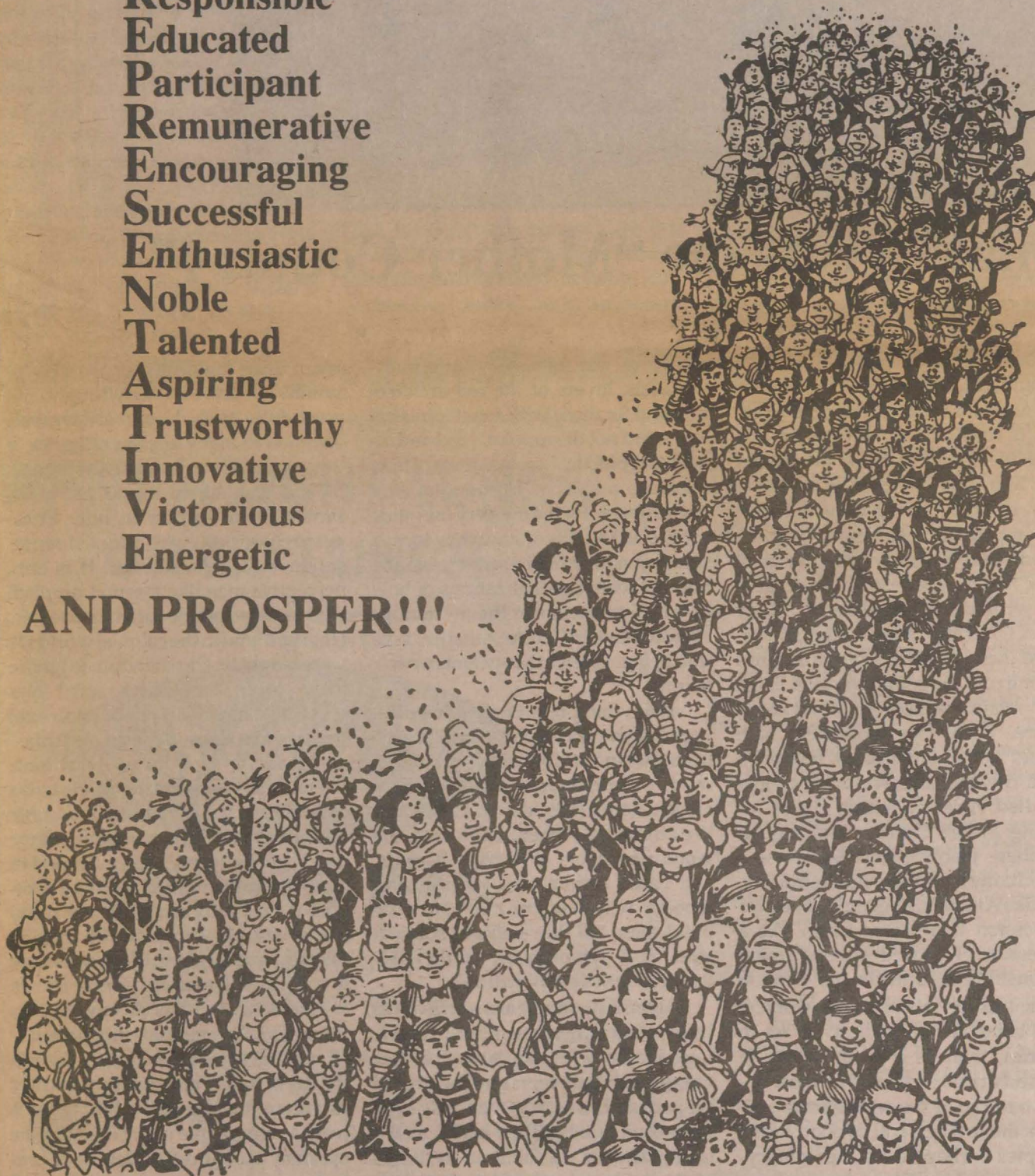
The New York Day is actually split into two parts, the Essay part, worth 40% and the multiple choice part, worth 15%. The multiple choice is nearly impossible to score well on because it is based on legal

(Continued on the following page)

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Hints

(From previous page)

trivia ranging from statute of limitations to some minute exception in some rarely read section of the CPLR or EPTL. Most people wisely take educated guesses or these and apportion the majority of their time on the more valuable essay part.

The essay part is probably the main downfall of most people who take the Bar exam. There are six essays, each scored from 0 to 10 points. I was fortunate to take a course called the INTENSIVE ESSAY WORKSHOP given by a brilliant professor named Leonard Lakin. Lakin had previously been in charge of writing NY's essay questions and the sheets with which these essays are scored. He showed how one could write a correct answer to the

question and still receive a low score, even a zero. One of my unlucky classmates actually succeeded in confirming his theory by accomplishing this dubious distinction.

The Essay exam is a race to see how **complete** an answer you can right. Getting the right answer is actually not the most important part. The score sheet gives you from 1/3 to 1 point for every correct statement you write. In a typical wills question, for example, you might get 1/3 point just for mentioning that NY's law of wills is governed by the EPTL. There are **NO** deductions for incorrectly stated facts or conclusions. Each 1/3 can be critical because in the end, your score is round to the **nearest** even number. Therefore a 1/3 equals 0, while a 1 and 2/3 equals a 2. To

pass you will generally need to average between a 4 and a 5 on each essay.

PUTTING IT ALL TOGETHER

Passing the bar exam is not easy, but with the proper mental state and work effort it is can be done. I recommend that you start early and take the test seriously...but not too seriously. There comes a time when your mind turns to mush. When this happens, just put the books down and go out and take a walk, a swim, or play an hour of tennis.

There are several good bar review programs out there. I think that if you are unsure of yourself, you should consider

one additional MBE course (unless your bar course includes one) and one additional essay course. Given the limited time you have, I think any expenditure beyond those would be counter-productive and confusing.

Finally, don't waste a lot of time and mental energy worrying. Remember that everyone else is suffering through the same personal hell as you. If you study hard, your chances of passing are over four to one and that's a bet I'll take anytime.

Barry Block is a former editor in chief of *The Reporter* and as rumor has it, did well enough on the MBE that you just might see his name on the ad fliers.

West's Legal Directory Expands to Include Law School Student Profiles

The West Publishing Company, of St. Paul, Minnesota will now publish the names of law school students in the *West's Legal Directory-Law Students*. West's Legal Directory (WLD), identifies lawyers and law firms by specialty areas, clients, professional affiliations and a variety of other affiliations. Students may choose between a "basic listing" of name, address, law school, GPA, class rank, and undergraduate background at no cost, or a "professional profile" which adds a student's birth city, birth state, foreign languages, published works, professional associations, honors, pro bono activities, fraternities and sororities and working history, at a cost of \$25.

The student profiles will be available through the WLD database on WESTLAW. Law students with access to a Westlaser printer will be able to print a laser-quality, hard copy resume from their WLD profile. For more information about West's Legal Directory-Law Student (WLD-LS), contact Career Services or call 1.800.777.7089.



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A Quick Survey of Modern Tools for the Student/Lawyer

by Michael Wood, '93

The Computer Law Society is devoted to exploring computer law, the use of computers in the law and the role of computers in the law office. We plan to concentrate on the role of computers and technological innovation in modern law. We hope to help students learn more about computer research and the use of computer programs to produce legal documents. **The student with computer knowledge has a definite advantage in today's tight job market.**

THE EDUCATIONAL ADVANTAGE

In the legal field, we are in the midst of a technological revolution. Unfortunately, the legal education system has not yet fully recognized that revolution. It is assumed that students are computer literate and have practical computer experience when they are admitted to law school. This is not yet true. Many schools and colleges require only the most basic computer classes, and most liberal arts programs do not yet require any practical computer knowledge for graduation. **The student with computer knowledge has a definite advantage in law school.**

TIME SAVINGS IN WRITING

In the first few weeks of school, students are expected to begin writing a legal memo. There is no requirement that a computer be used. It is possible to use a manual typewriter for this project, but a student with WordPerfect experience can perform the task on a computer much more quickly and easily. Experience in the use of the WordPerfect word processing program, for instance, can cut writing and formatting time by 80% over the use of the program by a neophyte operator. For example, did you know that Wordperfect will automatically generate a Table of Authorities? Did you know that WordPerfect and Microsoft's Word for Windows will both create a Table of Contents? Most students quickly pick up the use of the spelling checker program, but are you familiar with the grammar checking programs, some of

which pop up into WordPerfect and Word for Windows? What do you do when your home computer uses Bank Street Writer, but you want to work on your paper at school?

TIME SAVINGS IN LEGAL RESEARCH

The introduction of Mead Data's LEXIS database and West Publishing's WESTLAW database have cut the time and effort required for legal research. In the past few years, we have seen tremendous advances within those programs, which now download directly to students' home computers or diskettes. Students may now cut and paste the research directly into memos and articles, without the need to re-enter the data on a keyboard. **A student who understands the secrets of computer aided research has a definite advantage in school and in the job market.**

EXPANDED RESEARCH

Many times, a lawyer or student will have to look through popular publications for information. The student or lawyer might also need to look up industry statistics. Knight-Ridder's Dialog Information Services is available on WESTLAW. Mead Data's NEXIS database includes popular magazines and newspapers.

CD-ROM DATABASES

A more recent innovation is the publishing of legal materials on CD-ROM disc. Matthew Bender's major Personal Injury publications are now available on disc. A lawyer or student can perform a quick word search of an entire library of tort actions. WESTLAW offers some of its databases on CD-ROM as well.

AUTOMATED TIME BILLING FOR ATTORNEYS

Software Technology's time and billing systems allow a lawyer or student to keep track of time spent on cases. The Alumni Computer Group's

"PC Law, Jr." is a \$295 software package that includes management and accounting functions. Fast Track Development advertises it's "Fast Track Manager" as "Software for the survival of the fittest!" (next to a drawing of a shark with a necktie).

SCHEDULING AND DOCKETS

Scheduling is a problem for the modern practitioner. Compulaw Inc.'s "Advanced Docket" scheduling software automates and centralizes scheduling information and helps avoid conflicts. Abacus Data Systems' "Abacus Law" is a calendar and case management program that is WordPerfect compatible.

AUTOMATED WORK-SAVING SOFTWARE

Probate Software, Inc. offers tax and accounting software for trusts and estates. Shepard's offers a new "Drafting Wills and Trust Agreements on CAPS software" program that promises a first draft within fifteen minutes! Specialty Software offers Chapter 7 and 13 Bankruptcy software, complete with forms and typeset option. InfoQue offers a text retrieval system that promises to revolutionize the administration of large scale litigation.

ELECTRONIC MAIL AND ELECTRONIC COURT FILINGS

ABAnet electronic mail system is now managed by ATT. At the ABA convention, representatives demonstrated the use of electronic mail between lawyer's offices and raised the possibility that some courts might begin to accept electronic filing of court papers.

PORTABLE COMPUTERS AND MODERN PRACTICE

It is now possible to purchase laptop computers with the power of the biggest IBM compatible desktop computers. The attorney on the go can carry the office into court! Several manufacturers now produce portable

bubble-jet printers, capable of laser printer quality, which will fit in an large overcoat pocket. External pocket fax-modems which connect to a serial port are the size of a pack of cigarettes. Some manufacturers market cellular telephone adapters for fax and modems. IBM manufactures a portable with cellular telephone connection features built in.

SHAREWARE AND PUBLIC DOMAIN SOFTWARE

Many popular programs are sold in software houses like Egghead, J & R Computers, or by mail by large companies which specialize in software like Dustin. These are the programs which readers will see advertised in the large national computer magazines. Some programmers distribute programs through bulletin boards and distribution houses. Most bulletin boards allow subscribers to download thousands of programs. Shareware distribution houses charge a copying fee for each disk. This copying fee is distinct from any licensing fee. Individuals "test-drive" the product and are expected to send the licensing fees and registration to the programmer. Usually the fee runs from \$5.00 to \$75.00 and the programmer often sends back a copy of the latest software version with the license.

LETS GIVE NYLS STUDENTS THE ADVANTAGE

Obviously, a student who understands the use and the potential of these labor saving hardware and software has a very real advantage whether working for herself or for a firm. The Computer Law Society is dedicated to increasing understanding of the uses of computers in the law. We want to give New York Law School students that advantage.

Colonial

continued from page 15

other Caribbean countries we had oil. England sells her ancient lineage and tradition. Despite the present turmoil in the monarchy, it is inconceivable that England will be without one

England was similar to my world in another way. Ex-colonial peoples searching for an identity of their own spend much of their time forfending the ever present threat of Euroacculturation. Most of the writers from the Caribbean, Latin America and Africa write of this theme, and how to create a creole culture from ALL the various tributaries which have fed us, instead of Europe alone. So it was with a sense of irony that I listened to the debate about the colonization of England by American culture. Many

of the British are genuinely afraid. Can they stop this incursion that has come through the television? I myself was very surprised at the number of American shows on British television. British Television viewers have apparently rejected a BBC Soap opera "El Dorado" which is reminiscent of shows like Dynasty. In this debate about cultural imperialism, this is the benchmark for what is British and what is not.

Ironically, even while the British are concerned with this threat to their cultural sovereignty, and keeping Americanisms within controllable limits, I found in Britain the old dream of empire and colonization explicitly stated. John Casey argued in the Evening Standard of Tuesday, 11 August 1992, that Empires might be the civilized way to rule. He argued that the demise of the colonial empires did

not lead to an era of prosperity and freedom, but to endless wars, famines and the decline of the ex-colonies. In a fit of empire nostalgia, he said "Wherever the British established themselves as traders and rulers, they also established the rule of law, peace and a civil service of the highest standards. Should this be a serious test of the right to rule? "This is an arrogant misinterpretation of colonial rule. And who has the right to rule whom? Will those with these new dreams of the benevolence of Empire ever conceive of themselves as the ruled. This is his conceptualization of the opportunity offered to create a "New World Order". In the present climate this is not surprising. Once more romance waned. For too many of us it sounds like the same old story again.

Join the
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Society

learn about the use of
computers in the law

**Kudos to the Gay
and Lesbian Law
Students
Association for
providing voter
registration
materials in the
mailfolders of all
NYLS students.**

THE ENVIRO-DORK RETURNS ... with a vengeance

In the March 1992 issue of the Reporter, Christopher Luongo wrote an article, "WHICH SPECIES IS ENDANGERED, ANYWAY? Lucas v. South Carolina Coastal," in which he once again attacked the environmental movement for its "classic... overreaction." Well Mr. Luongo, I like many other enviro-dorks take issue with your characterizations, short-sightedness and ignorance of the very issues you attack.

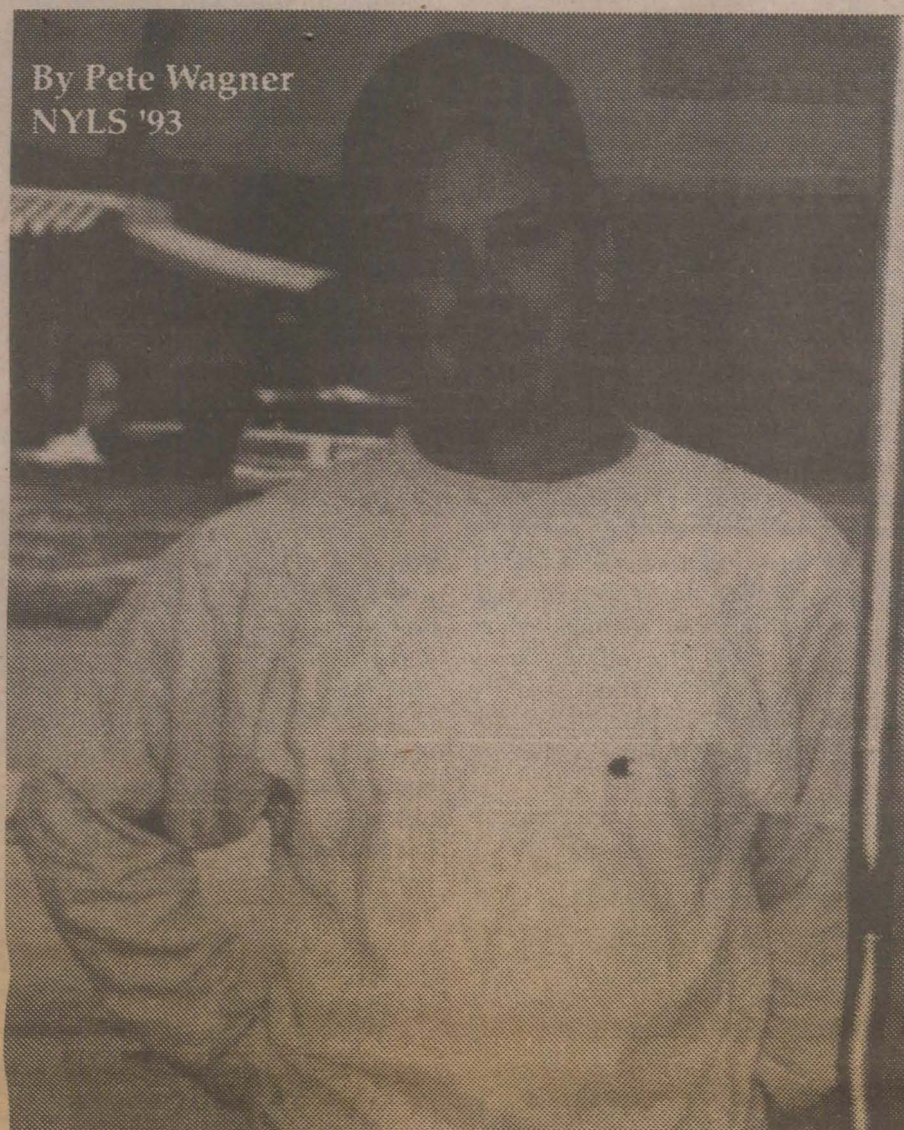
You argue that the movement to protect the Spotted Owl through its placement on the threatened species list under the United States Endangered Species Act (ESA), 16 U.S.C. 1531-1544, was unnecessary because the Jack Ward Thomas Committee (comprised of owl experts from the U.S. Forest Service) completed a study that suggests our "furry feathery friends" (to quote George Bush) are not killed when logging companies destroy their ancient growth-forest habitats. This committee has concluded that "after logging a forest, the spotted owl sets up residence in 'second growth forests,' which are post-logging forests." You therefore conclude that the owl never needed the protection it was given, and as a result countless jobs have been lost, families destroyed and alcoholism has increased among the unemployed.

There are enormous holes in your argument Mr. Luongo. This Committee's "conclusion" is a prime example of a "Cover Your Ass" maneuver by the Forest Service. This study has not laid out the whole facts behind the Spotted Owl controversy. The Bureau of Land Management (BLM), the federal agency in charge of logging operations in National Forests, the National Forest Service, the agency which "protects" the National Forests, and the Fish and Wildlife Service, which lists endangered species, ALL BROKE THE LAW.

NEPA & VERMONT NUCLEAR POWER

Whenever there is a "major federal project" that will "significantly affect the environment," the agency in charge must issue an Environmental Impact Statement pursuant to the National Environmental Policy Act (NEPA), 42 U.S.C. 4332(2)(c). This was not done. The Bureau of Land Management violated this federal law by not adequately stating the effects of logging on the owl population in the ancient forests. Also, the Fish and Wildlife Service had been ordered to list the Spotted Owl on the Endangered Species List, and it failed to do so.

Finally, the Forest Service did not comply with an order to protect the spotted owl. These agencies blatantly disregarded the laws and regulations of the United States. These laws were designed to account for environmental protection while allowing development and growth (a Luongo and Wagner desire). The Courts in this country give agencies an incredible amount of discretion in their decision-



By Pete Wagner
NYLS '93

making, but they do not look favorably upon those agencies that disregard procedure under NEPA. (Vermont Yankee Nuclear Power Corp. v. NRDC, 435 U.S. 519 (1978).

As a result of these legislative and administrative shortcuts, United States District Court Judge William L. Dwyer in March 1989 enjoined the Forest Service and BLM from selling timber on millions of acres of federal land in Oregon, Washington and Northern California. Congress intervened, and through an appropriations bill allowed the Forest Service to continue to sell specified amounts of timber in the Northwest, and mandated that the Forest Service develop a Spotted Owl management plan. The Forest Service disregarded both the Court's and Congress' directives, and instead created a group to develop a plan to "balance our responsibility in preserving the owl and forests while protecting the economic lives of American men and women who live and work." The plan emerged shortly thereafter, urging Congress to promulgate legislation allowing for tons of lumber to be cut, and to "insulate" the agency from environmental regulations. Judge Dwyer balked, and barred the Forest Service from selling timber in the area until it could develop a comprehensive plan, and follow NEPA's directives. Until that time, it was enjoined from selling timber, which in turn caused jobs to be lost, families broken up and alcoholism to rise.

The protection of the Spotted Owl did not break the economy of Oregon and its Northwest neighbors, the BLM

and the Forest Service did by failing to follow the laws of the United States. It is a probable fact that if these agencies adhered to the law and its procedures, the loggers would be chopping the trees down right now, even if the Spotted Owl remained on the Endangered Species List. NEPA allows growth as long as you notify the EPA of the risks and effects on the environment. If it is true that these "furry feathery guys" are not affected by the logging operations, the EIS should relate this, and if that is true, it is very likely that logging could continue.

The fact that this Jack Ward Committee of the Forest Service has done this study after they failed to complete an EIS, is a way to "justify" (read Cover up) the fact that they (the Forest Service) screwed up and broke the law. The study attempts to persuade the people of Oregon that their jobs were lost because of "environmental overreaction," not the Forest Service's own inefficiency and short-sightedness. The agencies have broken the law, and they are the ones who have truly harmed the Oregonians.

JOBS v. ENVIRONMENT

As Mr. Luongo points out in his well-written article, there has been a constant struggle between develop-
(continued on page 20)

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Enviro-Dork

(continued from previous page)

ment and environmental regulations. In life, there are attempts to balance doing good and doing well. Notwithstanding my afore-mentioned arguments, jobs will be lost and some property rights will be undermined as a result of the protection of the environment.

As Americans we have long believed and practiced the philosophy that "hedonism rules," which entitles us to do, say and act as we so choose. We must realize that life is not without compromise, and that we must give a little in order to receive.

Development in a stifling economy seems impossible, especially if the environmental and zoning laws prohibit development because of beach erosion, wetlands decimation, or the discovery of a snail darter (See *TVA v. Hill* 437 U.S. 153) on your property. I agree with Mr. Luongo that "mindless

forcing these laws.

ENDANGERED SPECIES ACT

The Endangered Species Act (ESA) is designed to protect endangered species from extinction, but rarely does this conflict with development. A recent World Wildlife Fund study, "For Conserving Listed Species, Talk is Cheaper Than We Think," is aimed to prove that business development can peacefully coexist with the conservation of species. The study found that out of 75,000 federal projects, only 19 have been blocked or terminated within the last five years because of conflicts with the ESA. Additionally, out of the nearly 10,000 annual permit applications with the Fish and Wildlife Service, only 25 on average are found to jeopardize a listed species, and many of these conflicts are settled through project modification. We must realize that during these proceedings, many species will become extinct, and we cannot easily judge what the impact of such extirpation will have on the eco-

Through a Jaundiced Eye

(continued from page 14)

ultly don't actually use it, can we put the space to some other use? We could open up a bar & grill. Give it a neat name; say something like "Simon's." Career Services can wo(man) the bar during their off peak hours, from 9 a.m. to 5 p.m. Instead of poetry readings, we'll have hornbook readings. We can also have contests to see who's the best at setting the latest controversial Supreme Court decision to music. We can also name drinks after professors. If you have any suggestions, write the Reporter.

7. Even 1Ls have figured out by now that NYLS has its own highly unpredictable ecosystem. The "C" building is usually hot in the morning and gets increasingly hotter until late afternoon. This is due to a number of factors. First, lockers have a tendency to retain a lot of hot air because of the heat retained overnight by huge, significant looking case books. Second, the hot first years who seem to be everywhere (or is it just my imagination?). Third, the heat generated by us normal looking third years as we look at and rub up against hot first years on the way to our lockers.

The "B" building, A.K.A. The Wind Tunnel, is kept at a comfortable 35 degrees Fahrenheit. This allows everybody in the school to catch a cold by the week before finals. The differences in air pressure between all the building has a tendency to cause a strong wind to develop. This helps clear the area of students every once in the while so the Lawyering Skills secretary, dressed in a fashionable overcoat, can get her work done.

The library is the opposite of the "C" building. It starts off cold and gets colder. The second floor is usually the hottest floor. Again, because of all the 1Ls. The fourth floor has usually been compared with Greenland. If you would like to study up there, bring an extra sweater to school and keep it in your locker (if you have one). Please be careful! Students have been known to disappear on the fourth floor. Rumor has it that they freeze to death because they decided to study late. You see, after 8 P.M., the skeleton staff of the library turns off the heat. When everybody leaves because they can't take it anymore, the library staff goes to the second floor and parties with all the wild, ambitious, good looking 1Ls, and sex, drugs and rock and roll ensue. Of course, this is just a rumor. Its also a rumor that someone sent us

a videotape.

That leaves the classrooms. You will never know what the temperature is going to be. But you can always count on it being uncomfortable. Bring a sweater when it is too cold; make sure you also have some type of liquid for those blistering heat waves in mid-January. I dare you to open a window to attempt to regulate a room's temperature. I can guarantee you will not hear a word your professor says. On the other hand, you may be so uncomfortable to begin with that you won't care. If anybody learns to predict the weather in the classrooms, please contact Pete Wagner, our official enviro-dork. He wants to save the roaches.

8. Recently, a number of first-year students complained to us about the Legal Writing Program. We immediately sent out for large kegs of beer for the 1Ls to cry into. When they were all wasted, they complained about the location of the Legal Writing Bulletin Board. According to the memorandum sent to all 1L's by Prof. Jethro "bow tie" Lieberman, they must check the board everyday. Come on, Jethro!! Nobody ever checks that board, and you know it. Can 1Ls get any more tired having to run up and down the stairs, until they manage to find the board, all snug and tucked away in a corridor that time forgot? Maybe such an important bulletin board should be placed in a first floor location. And while we are on the subject of Legal Research, can Prof. Linda Ryan please find it in her heart to scream even louder at 1Ls? What's wrong with the microphone?

9. There is new glass separating the Accounting office from the students. Rumor has it that the insurance company demanded this after the last big tuition increase. It might be feared that the large sums of money which students pour into the coffers of this venerable financial "aid" institution might attract armed robbers, disgruntled former students or Iraqi terrorists. Actually, I like the people in Accounting and I think its a shame that the friendly staff are kept from the students by a new partition. They do their best, and without exception are always pleasant, decent people. If there is a problem they patiently take the time to go over the records. If we could only clone them!

This is an occasional column of comment, diatribe and vitriol by disgruntled students. If you have anything to add, please submit it to the Reporter. If you don't, we'll just overhear your complaint and embellish it ourselves.

"The fact that this Jack Ward Committee of the Forest Service has done this study after they failed to complete an EIS, is a way to 'justify' (read Cover up) the fact that they (the Forest Service) screwed up and broke the law.

and repetitious environmental regulations...make it...costly to do business," but these regulations (NEPA, Wetlands Preservation Act, and the Endangered Species Act) have goals that go beyond a beach house in South Carolina, the job in Oregon and the cedar closet in Bel Air. I do not believe that these regulations are promulgated to create waste and hurt the economy.

LAND USE REGULATION

Land use restrictions do indeed limit the use of private property, and could be a "taking" under the Fifth Amendment if they are not compensated, but this argument is somewhat moot. John Echeverria, counsel for the National Audubon Society was quoted in a recent Washington Post (2/19/92) article "the premise underlying (the present system of environmental regulations) is that all of us share in the protection of our natural environment, and that activities can be restricted." The erosion regulations that Mr. Lucas opposes are designed to protect the coastline and the fragile habitats within.

If landowners like Mr. Lucas were permitted to build with reckless abandon, the coastline would recede into the sea, and the landowners' newly constructed homes would be instantly converted into houseboats and submarines. (Take a drive to Dune Road in Southampton, Long Island during a storm to see what this looks like.) The laws have goals which will benefit everyone, not just the politicians or the adjacent landowners. The government is justified in promulgating and en-

logical framework as a whole. The elimination of one species could effect hundreds if not thousands of others located in its food chain, but it is difficult to predict or quantify. In the meantime, protection should be the first, and not the final step in the process.

Protection of the Spotted Owl will cost jobs, but if we do not protect the Spotted Owl it looks like we will lose both the jobs and the ancient growth forests, which would be a waste. Life is a tradeoff. The recent protection of the salmon fisheries has already cost jobs in the lumber industry (which has had to decrease production because of silting of the spawning rivers) but if the salmon were not protected, many fishermen of the spotted owl, the automation of the mills, the shift of the logging industry to the Southeast, and the export of logs rather than processed timber have already cost the logging industry thousands of jobs, and it looks as if this is a recurring trend. Automation is a common way to cut costs and preserve business, even though jobs may be lost. The people who have lost their jobs may have to be retrained or relocate, but that has been life since the beginning of the industrial revolution.

Hopefully, as we become more adept at discovering potential problems before they arise, and seek to promulgate realistic and equitable rules, we will realize that every one of our actions affects millions of others, and that we think globally and act locally.

**Think Globally
Act Locally**

Environmental Law Society

ARIES: March 21 - April 20
 Stop trying to control the future. It is most assuredly going to work itself out, and soon! Your relationship or business endeavor is either going to work out or it's not. Your home front is going to become even more demanding, take heed. Start those outlines and papers now, things are bound to get more complicated and demand much of your mental energy. Watch your temper, you may be making beds you can't lie in.

TAURUS: April 21 - May 20
 Feel like you have been spinning your wheels? You have, but your future will take care of itself. It always does. Just keep pushing. Your admirable endurance will insure tomorrow. Keep your ears open. Helpful news is on its way regarding your future. The effort you've exerted so far in your internship or studies will pay off. You picked the right time to be in academia.

GEMINI: May 21 - June 20
 Things haven't been better. This pleasure cruise you've been on isn't about to dock any time soon. Just don't get in over your head. If there isn't an admirer now, there will be soon. If you are involved, look out! Watch your business decisions. Don't make any quick judgments. Travel looks good. One of those pleasure business types. Keep your options open. Important decisions are about to be made.

CANCER: June 21 - July 22
 Well, to be jealous of, if you could ever imagine such a thing. Your personal and home life are about to get better. Your sex appeal and ambition can't be stopped. A long term goal is about to be settled, so there is no need to keep searching for that

security. It is right around the corner. Watch out for unusual bursts of impatience or anger. Keep a lid on it, even if it kills you. All things shall pass.

LEO: July 23 - August 22
 So life is twisting and turning and you're still in the game but feel cheated? Get over it. Use your charm and talents to make things happen. Trying to keep that nagging

problem under wraps is showing. Consider applying for a research position with a professor. A trip looks promising, maybe family or academically motivated. Change is coming. Just use caution and your confidence to make it work out right. Keep reins on your temper, don't blow things out of proportion.

VIRGO: August 23 - September 22
 Revamp your budget. Whatever you've been doing is about to take its toll if you don't watch out. You think you are busy now, things can only get better and busier. Friendships will flourish but look out for the usual family and school pressures. Go out! Have a drink on me! Your social life and amorous prospects couldn't look better! You'll start looking at things in terms of the whole picture, do something creative. Don't worry too much about finals, yes, they are around the corner, but you can start now, so do it!

LIBRA: September 23 - October 22

Opportunities in your personal, academic, and financial matters are ready for you, just don't blow it by being indecisive. In light of a few bumps, things look great. That summer job looks promising, just make up your mind. Get what you want. Although not too exciting or outwardly envious, your life is about to encounter notions of responsibility, longevity and commitment. Don't worry so much, take

a long walk and clear your head for the upcoming changes.

SCORPIO: October 23 - November 22
 Busy! Busy! Busy! If you aren't, you better get busy! Money, your career and legal matters are about to place demands on you. Your love life is especially appealing as well as the idea of travel. May be you should consider going away with someone close. Who knows what will happen! Be careful of being too cocky! Don't say I didn't warn you. Your relationships may require more attention than usual. Something you've never had a problem with, so keep the good feelings flowing.

SAGITTARIUS: November 23 - December 21
 Fill up that social calendar, you might get to mix pleasure with fun and score a potential job while your tipping back a drink. Minor but long term financial troubles look imminent. Maybe it's lack of communication. Just don't let it cloud

your vision. It's only money. It may be time to take personal inventory. Reevaluate your goals, friends and energies. Just make sure it's what you want.

CAPRICORN: December 23 - January 19
 A little indecision never hurt any one, but you however are faced with everything changing. Albeit overwhelming, change is good. Others may not understand you, ignore them or explain yourself, but do it in detail. Love isn't here nor there. But you won't miss it, the other aspects of your life will make up for it. Watch out for your temper. Although you keep it under wraps to make a good impression you may be adversely affecting your health.

AQUARIUS: January 20 - February 18
 Just let go. Let the others fight over your future. Keep calm and level-headed and all will work out. It's a stressful time for you. Everything is up for grabs and this has a chilling effect on the things that matter. Your sensitivity may cause you personal problems, we don't know what you are thinking. Communication may solve problems that potentially may get out of hand.

PISCES: February 19 - March 20
 Your love life will improve. In fact, for the next few months you probably won't know what to do with yourself. We should all be so lucky! In fact, a potential lover is right under your nose. Look at things more carefully, he or she may not just be a classmate. Keep your eyes open while traveling, you might meet someone there too! Watch out for any financial investments. Use extreme caution with business deals.

Horoscopes

By Althea

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The "We's" and "They's" of Racism

By Steve Simpson
NYLS '94

In the wake of the L.A. riots over the Rodney King verdict there has been a great deal of finger pointing and accounts of what "they" have done. The "theys" in each case have been different depending on whose account was given. In some cases "they" have been all the rioters, as in "Look what 'they' have done to Los Angeles." In some cases "they" have been the jurors and the justice system as in, "Look what 'they' have done to justice in this case." In still other cases "they" have been white America ("Look what 'they' do to black people in general"), black people in certain cities ("Look what 'they' are doing to Korean grocers"), Korean people in those same cities ("Look how 'they' have been treating black customers"), or the members of any of these groups ("How do 'they' feel about what is happening and what do 'they' propose to do?").

Some commentators have aptly pointed to this attitude as a cause of racism in this country. Yet their proposed solution, to supplant the "us" versus "them" with a collective "we", commits exactly the same error. The answer to an attitude which places everyone into small groups is not to place them in one large collective. Both of these attitudes fails to

consider the only social entity which really matters, the "I".

The smallest minority is the individual. It is only individual human beings who can have attitudes, thoughts, or points of view; groups cannot. Only

only individuals acting together or agreeing to think alike. Since individuals control their own behavior, the actions and thoughts of a particular individual bear only on the character of that individual, not on those of his "group". It is improper to judge an individual based on the actions of his "group", or a group of individuals based on the actions of similar individuals. Rights are an attribute, not of the group, but of the individual. Thus, it is not minority rights which are important, but individual rights. Any philosophy which holds minority rights as superior to individual rights is a contradiction in terms. It is pure tribalism and it can only lead to tribal warfare.

This is what we are now seeing in America. The dominant philosophies have stressed "group rights" over individual rights, and, in order to grab some modicum of freedom, everyone is now scrambling to join some group. Since each group can only exert its "rights" at the expense of other groups, and since each group must be in control in order to exert its "rights", the "us" versus "them" warfare is a logical consequence of group rights. The answer is not to try to melt everyone into a larger collective, the answer is to respect the

rights of the "I", that is, the rights of the individual.

Each of us can improve society only by improving one member of society, ourselves. The path to this improvement is recognition of, and respect for, individual rights. Until we understand this, racism will continue.

The possibility of being pro-life and pro-choice

By (Rabbi) Kenneth Shuster
NYLS '93

George Bush and Dan Quayle both recently remarked that if their daughters became pregnant they would counsel them against having abortions, but that they would ultimately support their daughter's decisions, whatever they may be.

Surprisingly, these congenit, common sense replies caused much controversy, with many Americans accusing the Bush administration of hypocritically endorsing a "pro-choice" position, while campaigning on a "pro-life" platform. In truth, however, the President, and Vice President espoused an outlook on abortion that is both pro-choice and pro-life.

Jewish law teaches that since God actively plays a part in the conception of every fetus, and because every fetus possesses the potential to develop into a viable human being at birth, abortion is not to be sanctioned. The only exception to this general rule is that an abortion must be performed in a situation in which the fetus

imperils the life or health of its mother. Moreover, Jewish law is extremely pro-life. Even fetal life that is the product of rape or incest may not be destroyed unless the fetus poses a danger to maternal life or health.

Traditional Judaism, however, is also very much pro-choice. This is because of its insistence that people have free will, the opportunity to obey or disregard the divine precepts as they desire. Regarding abortion, the doctrine of free choice, expressed in a Jewish context, requires that, while rabbis, educators, social workers and others, counsel against abortion (in the absence of a threat to the mother's life or health), all concerned protect any woman's right to choose for herself whether or not to destroy her fetus.

That freedom of choice must be honored in all private, personal matters also follows from Judaism's instruction that human beings are created in God's image. This doctrine teaches that persons must strive to imitate God's ways in their personal lives. Therefore, as God respects our right to decide our own actions, we must

defend the rights of others to choose for themselves in matters that affect their private affairs.

While there is much to be upset about with the Bush administration, the Bush/Quayle abortion remarks, supported as they are by a religious foundation, should

inspire us to find middle ground, at least on the issue of abortion. One that promotes the unborn's right to life without compromising the integrity of the woman who produced it, so they placed themselves in good company; traditional Judaism shares their view.



BRENNAN'S JUSTICE

by Joseph D. Brennan

THE FREE MARKET: REAL DEMOCRACY AND A COMMENT ON L.A.

THE CRUCIBLE OF LIBERTY

Webster's Third New International Dictionary of the English Language, Unabridged (1981) offers several definitions for democracy. Most notably, "government by the people: rule of the majority." An alternative definition listed is "a state of society characterized by tolerance toward minorities, freedom of expression, and respect for the essential dignity and worth of the human individual with equal opportunity for each to develop freely in a cooperative community." I think this last definition is what most Americans have in mind when they speak fondly of democracy. However, rule of the majority is the more accurate definition. An even better definition is tyranny of the majority, for such is the result of democracy.

When we look to the origins of this nation, democracy was not the goal of the American Revolutionaries; liberty was. "Give me democracy, or give me death" was not a rallying cry of the Revolution, but who can forget the immortal words of Patrick Henry, "give me liberty, or give me death!" To the extent that democracy was considered at all by the founders of this nation, it was as a tool for securing liberty, never as an end unto itself. It was out of fear of tyranny of the majority that the founders designed a republic, with certain counter-majoritarian devices built in. The original design for the United States did not include universal suffrage. There was to be no direct election of the President and the Senate was to be selected by the state governments. The Constitution, the Supreme Court, and, especially, the Bill of Rights, each have a significant counter-majoritarian, anti-democratic role.

Somewhere, something went wrong. The goal of liberty, for which the Revolution was fought, has been lost. In contemporary America, liberty takes a back seat to democracy. If you listen to the words of the, so called, "political leaders" in this country, you will find that they are forever talking about democracy and almost never about liberty. President Bush commits our nation to the support of democracy in Eastern Europe, not liberty, nor the true crucible of liberty, the free market.

It is the free market which more accurately fits the definition "a state of society characterized by tolerance toward minorities, freedom of expression, and respect for the essential dignity and worth of the human individual with equal opportunity for each to develop freely in a cooperative community." One can see the tolerance the free market holds for minorities when one looks at the variety of products and services available in even the limited market we have in this country. If the government were in the business of providing fast food, we would have an election, with Mc Donald's, Burger King, and Wendy's as candidates. If Mc Donald's received the most votes, then fast food restaurants would all be Mc Donald's. That's democracy. Those of us who prefer Burger King or Wendy's are relieved that the market provides both of those alternatives, in addition to Mc Donald's, as well as Blimpie's, Taco Bell, Pizza Hut, Kentucky Fried Chicken, and a whole lot more. The market tolerates minorities in a way no government can; it caters to them.

In a free market, people vote by making purchases and more people get more of what they want than through democratic elections. In fact, everyone can have anything they want, so long as they are willing to work for, or pay for it. Under democracy, people try to vote benefits for themselves and vote taxes, to pay for those benefits, on others. Only some can have what they want and others must pay for it. Thus, democracy is a system of plunder. Rule by the majority can be seen for what it is; tyranny by the majority.

In a free market, everyone's input is considered. The market provides for rule by all the people. Political democracy only provides for rule by some of the people.

Given that the free market provides for more rule by more people, if democracy is to be the rule of the people, then the free market is the true democracy. Because those who would rule (plunder) us have gotten us to think of majority rule when what we want is liberty, we ask for elections when what would please us is the market.

TO LIVE AND DIE IN L.A.

The rioting in Los Angeles in reaction to the Rodney King verdict has been in the forefront of recent news. Of course, I was not exposed to all of the evidence that the jury was exposed to, but regardless of what came before, the 81 seconds of video tape which we have all seen show a man subdued. Whatever he may have done before, beating him, after his ability to resist had been extinguished, crosses from the realm of apprehending into the realm of



Joe Brennan

punishment. Whether Rodney King was being beaten for driving fast, for running from police, or for resisting arrest, the inescapable conclusion is that he was being punished by the police. Under the system of justice in this country, providing punishment is not a role for police. One is punished only after one has had one's day in court and I know of no statutes the violation of which calls for physical beating as punishment. And so, it would seem that some wrong was committed by the police.

I cannot but deplore the rioting as an unjustified attack on the lives and property of countless individuals. Whatever dispute any of the citizens of L.A. had, it lay with the police and government of L.A., and possibly with the members of the jury, but it could not rightly fall upon the heads of business owners and people driving their vehicles. Such unprovoked destruction of life and property was also a wrong.

But the greatest wrong committed was at the hands of the government of Los Angeles. It was the government which created the situation where people's expectations would not be met. It was the government which promised Rodney King, and others, a fair system of justice and then failed to provide it. It was the government which promised business owners, and the general public, protection from violence and then failed to provide it. Not only did protection from violence fail to be provided, it did not even seem to have been attempted. It has been alleged that, somewhere within the chain of command of the government, the decision was made that if violence broke out after the King verdict, the police would not be sent in to deal with it.

The government of Los Angeles should, at least, be accused of negligence in its disregard for the safety of the lives and property of so many citizens. The government might even be accused of criminal recklessness, for there is evidence that it perceived the risk of violence on a grand

scale and chose to do nothing about it. The result of these failures of the L.A. government is the loss of dozens of lives and over half a billion dollars in property damage. The government of Los Angeles should be held liable for the damages resulting from its actions. Of course, it has no money to meet its liability except that which it steals from its citizenry.

Not only is the Los Angeles government financially bankrupt, but it is morally bankrupt. Thus, it should be dissolved. When government thugs, in the guise of police, commit acts of violence, the government teaches its citizens that violence is acceptable. When the government shows no respect for property, it teaches its citizens not to respect property. When the government insists on controlling all schools, it is responsible for what is taught and for what is not taught.

The products of government controlled schools demonstrated before the television cameras that they have not been taught to understand and respect the meaning of property, nor to understand the economic fact that you can't get something for nothing. And so, they have dragged their neighbors down with them and they shall all pay, for years to come, for that which they have recently taken. Again, the only solution is to dissolve the government of Los Angeles, before it can do anymore damage. After it is gone, Los Angeles should be set up as a free zone. As such, it will shine as a beacon to liberty for the rest of the victims of government around the country and around the world. Governments should not be allowed to promise what they can't deliver; to set up the conditions which lead to an intense frustration that can erupt in a firestorm of violence. Government created the poverty which led to hopelessness for so many in L.A. We should shun that which can be so harmful.

MEMORABLE QUOTES

"No matter whether the people be great, splendid, and powerful, if they enjoy freedom. The Turkish Grand Signior, alongside of our President, would put us to disgrace; but we should be as abundantly consoled for this disgrace, when our citizens have been put in contrast with the Turkish slave. The most valuable end of government is the liberty of the inhabitants. No possible advantages can compensate for the loss of this privilege." — Patrick Henry.

"I place economy among the first and most important virtues, and public debt as the greatest of dangers. To preserve our independence, we must not let our rulers load us with perpetual debt. If we can prevent the government from wasting the labors of the people under the pretense of caring for them, we will be happy." — Thomas Jefferson.

If you have any questions you would like answered from a libertarian point of view, or any comments you would like to make, correspondence is welcomed and should be directed to:

BRENNAN'S JUSTICE
c/o The Reporter

Correspondence may also be left in person at the Reporter office. Any responses that I may have will appear in future editions of this column.

Joe Brennan's column appears monthly in the Reporter. Joe writes with a libertarian's perspective on the issues facing individuals at NYLS and in the world at large. Joe welcomes any and all responses to his articles.

MURPHY'S LAW

By Seamus Murphy

Equal Rights for All (Part 12)

On October 24, 1991, I attended the most disgusting, hate-filled, bigoted presentation in the two years that I had been at New York Law School. In my February 14, 1992 column, I criticized the presentation and pleaded my case for the inclusion of males and homosexuals in the proposed Domestic Violence Clinic. For those unfamiliar with the points that I made in my 2/14/92 column, I will restate them: (1) it is prima facie discrimination to set up a clinic that services only one sex - in this case, only females; (2) you cannot justify discrimination by showing statistics which relate to only one class of people¹ - in this case based on sex; and (3) it shows great insensitivity, if not outright hatred, towards a group when you give a presentation and state nothing but the negatives of that group - in this case, towards males.

In response to my column I received three negative replies.² Instead of addressing the points that I raised, my critics, including Professor Miccio, responded with gratuitous, erroneous, and insulting statements. Since two of the respondents have since graduated, I will ignore their ignorance and address only Professor Miccio's reply.

In her reply, Professor Miccio stated that "Mr. Murphy purports to refute Ms. Herman's statistics with two citations from the New York Post, ...". This is absolutely not true. First, I quoted the Post articles for several reasons, none of which had anything to do with Ms. Herman's statistics.³ Second, the NY Post articles that I used did not address Ms. Herman's statistics at all. If Professor Miccio would reread my 2/14/92 column, she would see that she has clearly misstated what I wrote. As such, she should either retract such a flagrant and possibly intentional misstatement, or produce the passage which she relied on to make her preposterous statement.

Professor Miccio next stated that Ms. Herman's statistics came from the "U.S. Department of Justice" and from "her work as special counsel to the New York City Police Commissioner". These statements just highlight the fact that she missed a point of my article - you cannot justify bigotry by showing facts pertaining to only one group. Furthermore, her statement does nothing to address the weaknesses with Ms. Herman's statistics.

Professor Miccio next stated that if I read the Justice Department's publication that my "worst fears will be confirmed", that "[W]omen are beaten, raped and murdered by intimates" and that "women are six times 'more likely than men to be victimized by a spouse, ex-spouse,

or boyfriend." First, these statements also show that Professor Miccio has clearly missed the points which I raised in my 2/14/92 column.

Second, if women are victimized six times more often than men, this means that approximately fourteen percent (14%) of "intimate abuse" victims are males. If so, then Ms. Herman had mixed apples with oranges when she stated that "95% of domestic violence is done by men."

Third, although I was unable to find the 1991 U.S. Department of Justice Manual in the NYLS library, based

[not necessarily the male, professor] could be held accountable for sexually assaulting their spouse. My question is this: What year will it be before Professor Miccio, LAW, and society as a whole become enlightened to the fact that all victims of violence, including male victims, are entitled to our help?

Professor Miccio next gratuitously and erroneously stated that my article "was a predictable reaction for one who is pained by threatening information." For the record, information does not threaten me. Blatant bigotry and hatred pains me, and that is what the symposium was

all about. If it was not about bigotry and hatred towards males, then the proposed clinic would have been designed to include males and Professor Miccio's speech would have had a different content.

Professor Miccio next stated that "Rather than confront the consequences of violence to individuals and society", I "engaged in the debasement of a serious subject." If Professor Miccio would reread my 2/14/92 article, she would see that I want the proposed clinic to be open to ALL victims of domestic violence. If anyone has debased a serious subject, it was Professor Miccio, LAW, and certain other male-hating feminists in this school's community. As originally proposed, the clinic was to be used for a facially discriminatory

purpose, and would have been used to bash males.

Professor Miccio next stated that I am using "the first amendment as a shield, a right that I 'obviously' do 'not extend to others'". What is obvious, is that Professor Miccio has made another inane statement without knowing the facts. First, I support strongly the first amendment - more so than most people. Second, it is a common practice in the newspaper industry (e.g., Village Voice and NY Post) for a columnist or editor to respond when someone challenges or misstates a fact. Thus, I have the right to respond to anyone, just as Professor Miccio, Mr. Hickey, Ms. Meakin, or anyone else has the right to reply to anything that I write. Finally, let's face it, Ms. Meakin's reply addressed none of the issues and was nothing but a nasty letter. Quite frankly, it was something that we would expect out of a spoiled, ill-mannered adolescent, not something that we would expect out of a mature, educated adult. When it was received by The Reporter, there was concern as to how to handle it (*The Reporter reserves the right to refuse to print personal attacks*). Upon hearing about it, I immediately and unequivocally gave them my consent to publish it. I will not attempt to censure anything unless it is a completely out-of-bounds personal attack (e.g., I smoked pot with Slick Willie [Bill Clinton]. Such is not true, and if I was ever to have smoked pot, it would not have been with some weenie that would not inhale.)

Professor Miccio next stated that I engaged "in a flawed analysis resonated with arrogance and misplaced self-righteousness." First, she does not explain what this "flawed analysis" is. Second, if she would reread my 2/



on prior years' Justice Department Manuals, the statistic is that approximately 30% of all female murder victims are killed by their partner while only 5% of all male murder victims are killed by their partner. The problem with this statistic is that there is generally three times as many male murder victims each year than there are female murder victims. Thus, the statistic should be correctly stated as "Females are twice more likely than males to be killed by their partner." Finally, and most importantly, none of these statements or statistics justify excluding males from the proposed clinic.

Professor Miccio next stated that "It is frightening to learn that violence against women occurs by those whom we trust the most and that such acts of hate are perpetrated in the home." With this I agree, but since domestic violence victims can be both male and female it demonstrates an obvious bias to state it the way she did.

Professor Miccio next mentioned *People v. Liberti*, 64 N.Y.2d 152, 474 N.E.2d 567, 485 N.Y.S.2d 207 (1984). She stated that it took New York State until 1984 to become enlightened enough to realize that one spouse

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14/92 article and this reply she will see that it is she who has engaged in a flawed analysis. Third, the "arrogance" and "self-righteousness" that she speaks of is nothing more than my attitude towards blatant discrimination.

My folks were immigrants and a year or two after they immigrated to the United States they were driven from these shores (circa 1950) because of the open and blatant bigotry that existed then towards the Irish ("HELP WANTED, NO IRISH NEED APPLY").⁴ Yes, that incident has deeply influenced my life, and as such, when I see blatant bigotry I get very upset. Finally, the proposed clinic was to be set up only for females - no males allowed ("HELP GIVEN, NO MALES NEED APPLY"). This is facial discrimination. We do not have to play games with statistics or disparate impact studies. Thus, it raised my ire.

Professor Miccio next stated that the symposium "was an invitation to explore violence against women." First, she does not explain or try to justify why the clinic should be open only to women. Second, domestic violence affects both sexes and as such the discussion should have addressed the needs of all victims, not just females.

Professor Miccio concluded with the statement that I "clearly declined this invitation" to explore violence against women and in doing so I have "chosen to remain a victim of his own ignorance." First, this statement is so gratuitous that it borders on the absurd. My experience is similar to an African-American [male] attending a symposium on "Victims of Interracial Crime" [Victims of Domestic Violence], finding that it is being run by the Klan [LAW], with the intent to set up a white only [female only] clinic, and it was to be used to bash Blacks [males]. Certainly, no one under these circumstances could reasonably feel that there is anything wrong with "declining this invitation."

Second, I realize that, with responses like Mr. Hickey's, the existence of Phil Donahue, and the political correctness that is so pervasive in the NYLS community and in society as a whole, it can be assumed that a large segment of the "male" population does not mind playing the role of lobotomized eunuchs. Even so, you can be assured that I have enough self-respect not to stand idly by and allow blatant discrimination to occur - even if it is politically correct discrimination. Third, I want to help ALL victims of domestic violence. If Professor Miccio would reread my 2/14/92 column, she will notice that I clearly stated that "The clinic should be open to all that need it, regardless of their sex or sexual orientation, because domestic violence is not limited to any one group." If anyone is showing ignorance and bigotry it is Professor Miccio, LAW, and their supporters who want the proposed clinic to help only females and who put on a symposium that should have offended anyone who had at least an iota of sensitivity for the rights of others. Finally, Professor Miccio does not explain what I am ignorant of.

In her reply to me, Professor Miccio defended and relied on Ms. Herman's presentation more than her own - and for what I believe to be a very good reason. I would like to contrast the two presentations. Although Ms. Herman's statistics had a "bias tinge" to them, her presentation had some very good points. For example, she stated that victims of domestic violence have immediate needs such as food, clothing, and housing. Once these are taken care of, counseling can occur. Overall, Ms. Herman's presentation was informative, it was the statistics that she used which I found problems with.

Professor Miccio presentation consisted mainly of historical facts and negatives about males. My two favorite historical facts were: (1) The "Rule of Thumb" - a husband could not hit his wife with a stick thicker than his thumb; and (2) Newspaper ads in the Old South - slaves and wives could be tracked down and retrieved. She also inferred that Anita Hill was forced to submit to Clarence Thomas (a claim not even Ms. Hill made). Furthermore, anytime she mentioned males it was in the negative (I will be more than happy to retract any of these

statements if she can show me that I am mistaken). Her presentation may have played well with the insensitive and bigoted in the audience, but it did not address the problems of domestic violence. Such a presentation can only ferment anti-male bigotry.

Professor Miccio signed her reply as "Director, Center for Battered Women's Legal Services". First, I would like to know how this center is funded. If it is publicly funded (with our tax dollars), then it is absolutely illegal to discriminate in providing such services.⁵ If so, she should change the clinic's name to make it more inclusive, and also require it to aid male victims of domestic violence.

In sum, I find it very embarrassing having Professor Miccio associated with this school. Although Professor Miccio greatly toned down her anti-male rhetoric in her reply to me, her response still demonstrated an obvious bias towards males. Her reply also contained gratuitous, erroneous, and insulting statements. Furthermore, her sophomoric remarks about the NY Post and the U.S. Department of Justice said more about her character than about their's. Quite frankly, I do not believe that she possesses the proper demeanor to be a professor in a law school that claims to respect the rights of all groups.

Endnotes:

1. You cannot justify discrimination by using statistics which are limited to showing the effect [of the work environment] on only one sex. *International Union, UAW v. Johnson Controls, Inc.*, 111 S.Ct. 1196 (1991), its lower court

decisions, and other similar cases.

2. I also received an informative and positive reply from a female law student. In it, she agreed with me that both men and women can be victims of domestic violence and rape.

3. I quoted the New York Post stories for several reasons. First, I was challenged to "Name a case." when I informed a LAW member that I would sign up for the clinic if they would change the name so as to include men. Therefore, I decided to name, not one, but two recent cases. That way, no one could claim that the first one was an aberration. Second, I have been present when certain LAW members have criticized what people read. As one LAW member stated "Not only do men read the New York Post, but they even quote from it." Finally, I know that quoting the NY Post infuriates narrow-minded liberal hypocrites. I even told people that I can expect at least one idiot to mention it in their reply - two replies mentioned my use of the NY Post. Thus, presented with the opportunity to quote the NY Post, I just could not resist doing so. Furthermore, I will continue to quote the NY Post if I can be assured of such immature responses from my critics.

4. Much bigotry against the Irish still exists in the United States today, but for the most part it is much more subtle.

5. A male was denied service at a Connecticut Battered Women's Clinic. He sued, and the clinic thereafter agreed in 1985 to "end their discriminatory practices." (The New York Times, Apr. 20, 1992, A12 : I regret not being able to find a NY Post article to quote.)

Who's On First?

When A Health
Plan Pays First
And When
It Doesn't

Wednesday, October 28, 1992

4:30 Registration

5:00-6:00 Presentation

6:00-7:00 Reception

This presentation discusses the various situations where a health plan and some other entity are both liable for expenses, and indicates which plan pays first. Situations examined include those where the health plan has liability along with Workers' Compensation, Medicare, auto no-fault coverage, a tortfeasor and another health plan.

Speaker: Jack B. Helitzer
Vice President, Metropolitan Life Insurance Company

Mr. Helitzer is a vice president of the administrative and financial controls department of Metropolitan Life Insurance Company. He served as chair of the advisory committee to the coordination of benefits task force of the National Association of Insurance Commissioners (NAIC) from 1983 to 1986. From 1978 to 1982, he served as a member of the Disability Benefits Law Advisory Committee to the New York Workers' Compensation Board, and from 1980 to 1982 as its chair. Mr. Helitzer received his BA at Cornell University and his JD at Harvard Law School

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BYE GEORGE

This Time the Conservatives are the Radicals

By Michael Simone
NYLS '93

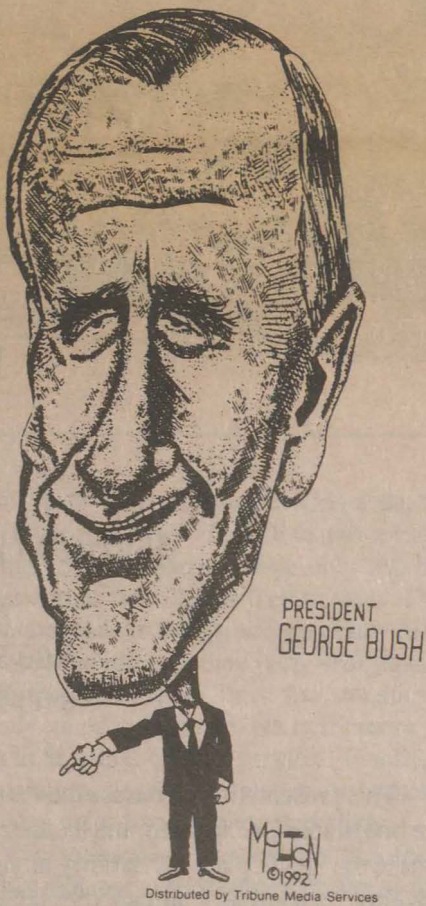
The history books say that the United States has not had a civil war in over a hundred years. The history books are wrong. A political civil war has been raging in our country for at least the last 12 years. Conservative Republicans and Liberal Democrats have been fighting a war to determine who's political philosophy will prevail. Conservative Republicans want to arm the United States until it is on the verge of bankruptcy; they want free trade so businesses can move their manufacturing jobs overseas; they want a police state to fight the battle against drugs in America's cities; and they want to bring back "family values" by privatizing schools, completely banning abortion, and limiting the effect of other fundamental rights. On the other hand, the Liberal Democrats are just as insane. They want to tax us until we are penniless; they want to appoint Supreme Court justices who will read their values into the Constitution when they cannot further those values politically; they want to build a wall between government and religion that is so high that teachers cannot wear religious symbols around their necks and religion cannot even be mentioned in the context of history; and they want to limit parent's rights by distributing condoms in schools and allowing children to obtain abortions without parental consent.



these new representatives will be able to change how our government works or whether they will better represent their constituents remains yet to be seen.

Ross Perot, despite his many faults, has breathed new life into politics. He has shown us that there is more than one way to look at things. He actually promised to listen to the American people after he was elected. Although electing an individual as unfamiliar with compromise as Ross Perot probably was not a good idea, the movement he created may hold the building blocks to one or more new, major political parties.

Our two party system is not conducive to compromise. With one party holding the majority of both houses and the other controlling the presidency there are few ways to produce a compromise when both sides think they are completely right. If the President wants something, the bill probably will not make it out of the committee process. If Congress wants something, the President will probably veto it. The only way to override the President's veto is to write something into the bill to make a multitude



from their party. The filthy rich stick around because they know the Democrats will raise taxes — their taxes. Bush and Quale have practically paralyzed the Federal Government with their extremism. They refuse to enforce any government regulation that they think will affect the economy. Usually this is any regulation they do not like, which means any regulation on business.

Other than refusing to enforce Federal Laws Bush has done little else to stimulate the economy. This wait and see attitude doesn't sit well with Americans who love to see action. Inaction makes America mad, especially when



of special interest groups happy so that enough spineless representatives from the other party decide to go along with the compromise.

Bill Clinton, just a few months ago, was considered a long shot for the presidency. He leads the poorest state in the nation and there have been accusations of infidelity which he has chosen not to deny. However, the continuing spiral of our country into economic depression has reinvigorated his campaign. People want change and if Bill Clinton can promise America anything, it is change.

He and Al Gore are relatively young; his wife has her own successful career; and he is the first president who has played saxophone pretty well. They also have begun doing what the Republicans have chosen to stop doing; they have decided appeal to the moderates.

Of course, the Republicans have made it easy. President Bush and the fundamentalists have alienated everyone who doesn't belong to a stereotypical nuclear family

the inaction involves the President going on vacation every other week or Danny-boy spending tax dollars on golf.

Four more years of fishing, golf, and a stalemate in Washington will lead to even greater poverty and maybe somebody even more radical the Ross Perot running for the presidency. I'm afraid it is time to give the Democrats a shot. Lets see what they can do. If they get too radical, we can always vote them out in four years. Also, getting rid of Bush now probably means we can get rid of ole Danny-boy too.

The Democrats have always understood that government must sometimes be used as an instrument of change. There must be better laws to promote the family, to regulate health care, and to protect the environment. They also seem to have discovered that personal rights must be balanced with personal responsibility. Whether they have truly learned this important lesson remains to be seen.

This time around the Republicans have decided to equate politics with war. Again, they have chosen to divide the country instead of bring it together. They are willing to destroy the country to get reelected. They have alienated moderate America. They will pay the price. Bye George.

Caught in the middle of this war are moderates like myself and the fate of our country. Congress, Ross Perot, Bill Clinton, and President Bush have lead us to what might be a decisive battle. The Corruption in Congress has finally gotten the electorate angry enough to see past the slick campaign ads of the incumbents. Many representatives have decided to step down because of embarrassment or because they are also frustrated with the political process. Both houses of Congress will be filled with new blood, including many more women. Whether

Letters to the Editor

Dear Reporter,

In a professional school, students expect a certain level of services from the administration. The students at New York Law School have learned to expect the worst, and registration for the skills courses last week would have been shocking, except for the fact that we all now expect incompetence.

The process by which students were to register for the skills courses was, without a doubt, the most ridiculous, waste of time, slap in the face, insult students here have yet had to endure, and that is quite an accomplishment. The notices informing students of their registration priority were distributed on Thursday, at noon, and registration started Friday, at 10:00 A.M.

Many students (like myself) have externships that require them to work Thursdays and Fridays. How did the ever so imaginative Dean Farago think these students would obtain their priority information before Monday morning. I suppose I should have spent the ten extra dollars the commute to NYLS would have cost and came in person to get my mail folder delivered prize.

So now after imposing on a fellow student, some students do come to NYLS on Thursdays, to help us in our administratively imposed nightmare- we approach Friday.

Having noon priority, I (like most of my similarly situated victims) started calling at noon. Because I work for a judge, outside Manhattan, I could only excuse myself for about 15 minutes. I (imagine

this!) did not get through, so I called Student Services and asked about the problem. I was told there were only five lines open with only one person answering them, for over 800 students. I told Student Services that I would not be able to call the registrar back because the Judge needed me. I was told that I was out of luck, and to call back after five. I was assured that they felt sorry for me. What a condolence.

Luckily the afternoon hearings were called off, and I was able to call the registrar several hundred times after 1:00 P.M., but I never got through. I decided the embarrassment would be worth it and asked the Judge's other two student clerks, the secretary and Law Clerk to help me with my nightmare, and call as many times as they could. The two students whom I work with expressed amazement at such a crazy and time wasting system, and assured me it was not done that way at their respective schools.

Luckily, at about 3:00 P.M. one of them got through. I was told that students with the same priority had been put into Trial Advocacy sections as they got through. I asked how this was fair since everyone with the same priority should have the same access. Why not have a random system which does not penalize some? Many who had noon priority were not

fortunate enough to be the caller who happened to call at the exact second someone hung up. Why was there not a system where your call was put on hold and answered in time order? I was told it was not fair, neither was it intended to be by Dean Farago.

I did not get my first three choices, but was lucky to get into one at all. I called student affairs to ask why such a ridiculous system was being used. I was put in touch with Ellen Sovern. I told her of my troubles, and she said she felt bad, and that she understood my complaints. I asked how this system could be allowed at a school that is supposed to be training professional how to act. She said that many students had complained. So I asked why, if the system was such a disaster by Friday at noon, it was not just abandoned. I was told Dean Farago wanted it this way because of the construction near the registrar's office.

I was encouraged by Ellen to come in on Monday morning and talk to Dean Farago.

Monday, when I did go to the Deans office I was told to see his assistant, who was not available. I learned that many people did not get into sections of Trial Advocacy at all. Most students spent many hours trying to get through to the registrar. Some third year students were registered

after some second year students.

How can this be allowed? Why should students have to waste a whole day attempting to registrar for a class that the registrar had already taken all the needed information to assign classes randomly? Why should students who work at Judge's chambers or some where else where making hundreds of phone calls over several hours continually is not appropriate, be penalized because they can not sit in front of a phone redialing *ad infinitum*. I might add the eleven infamous numbers I dialed were on a rotary phone, and that I now possess a 1/2 inch long index finger.

I just can't imagine what would happen to me at my first post- NYLS job, if I handled an assignment as incredibly poorly as Dean Farago did with this registration. I think it safe to assume I would not be gainfully employed for long, and might even be in front of an ethics committee. How can a Dean at a major law school can act with such incompetence, he is leaving after this semester, that's how. I hope students here do not employ the techniques they learned at NYLS. If Dean Farago was not on his way to a new school, God have mercy on those poor students, I only would hope he resign in shame. But why would he do that, he has just risen to a new height in NYLS administration. How are financial aid, or career services (two names that at NYLS are beautifully inherent contradictions) going to top this fiasco. God only knows. Please show mercy on us, we are paying your salaries.

Brian Neville, Day '93

The Reporter encourages all member of the New York Law School community to write to us in response to our articles. We look forward to hearing from you in the next issue.

A Chance to Rebuild New York State

Dear Editors,

New York State's economy continues to reel from the effects of the national recession that began in the summer of 1990. Our unemployment rate is 8.2 percent, considerably higher than the 7.6 national average, while the New York City rate hovers at an alarming 11.1 percent.

These facts prompt me to inform your readers about the Jobs for the New, New York Bond Act. The proposal, already passed by the state legislature and "proposal one" on the November 3 ballot, is designed to provide immediate jobs to the beleaguered construction industry and create permanent jobs that will "jump-start" local economies.

The Jobs Bond Act would address allot \$800 million to infrastructure projects that make improvements to publicly-owned real property.

The Jobs Bond Act will allocate \$600 million among the state's 62 counties according to population. Every county will receive at least \$2 million, and cities, towns, villages, and counties will be able to make proposals for jobs Bond Act funding. This is significant because, by having the projects designed at the local level, communi-

ties will have more control over how their portion of the money will be invested.

According to Department of Economic development estimates, the initial phase of infrastructure projects alone would create 24,000 jobs for construction workers and people in related industries. And, when fully implemented, the Jobs Bond Act would provide up to 106,000 permanent private-sector jobs.

Furthermore, the proposal will pay for itself and generate additional revenues for the state . . . Consequently, the Jobs Bond Act would help reduce-not heighten-the pressure to raise taxes in the future.

If readers have ideas for specific local programs, they should contact their local state legislators. To learn more about the Jobs for New, New York Bond Act, call the Department of Economic Development at (518) 474-2576.

Finally, I urge you exercise your democratic right to vote on November 3rd.

Sincerely,
Gail S. Shaffer,
NY Secretary Of State

Fix the Infrastructure-Vote for the Jobs Bond Act on Nov. 3

On November 3, voters have a chance to improve the quality of life for all New Yorkers. The Jobs for the New, New York Bond Act will provide the financial resources for local governments to begin to rebuild the roads, rail and bridges of the state. These elements of the infrastructure, which have been neglected as a result of federal budget cuts and local belt-tightening, need immediate attention. The recession has cut local governments' abilities to fund repairs. This bond act promises to "prime the pump" for the rejuvenation of the local economy. It is clear that we can't wait

for Washington to act. For several years, the federal government has diverted economic resources from New York to other parts of the country. The Jobs for the New, New York Bond Act will create jobs in construction and will expand the tax base of the city and the state. Unemployed workers draw state benefits. Employed workers pay taxes and their increased income bolsters all sectors of the economy. Vote for an improved New York and for an improved local economy, vote for the Jobs for the New, New York Bond Act.

Michael Wood, NYLS '93

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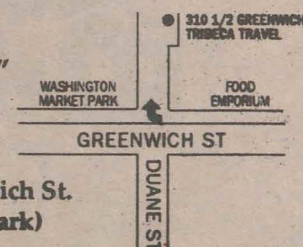
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