Happy Holidays!

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Ms. Faulkner told the NYLS audience her story. A month before her eighteenth birthday, she sent out an application to The Citadel. A few days after her birthday, she received a letter of acceptance addressed to "Mr. Shannon Faulkner." However, her bubble was soon burst a few days later, when The Citadel sent a letter addressed to "Ms. Shannon Faulkner," notifying her that she was not eligible for admission. The letter further explained that because of the Education Act of 1972, The Citadel was allowed to remain a single-gender school. Realizing that this was a discriminatory practice, Ms. Faulkner retained a lawyer and filed suit against The Citadel.

Initially, Ms. Faulkner believed that she did not have a chance of getting a judgment in time to be admitted into The Citadel as a cadet; however, she persevered with the lawsuit so that future women applicants could be admitted. Later, upon the suggestion of her attorneys, she sought a preliminary injunction against the school, directing it to admit her. The court granted the injunction, stating that her Fourteenth Amendment rights had been violated. On her sixteenth birthday, Ms. Faulkner became the first and only non-cadet female day student at The Citadel.

When asked how her status differs from that of a cadet, she explains that she is not required to do physical training, nor to shave her head. Ms. Faulkner said that she would have shaved her head, but she did not because such a gesture would discourage other women from applying to The Citadel.

Unfortunately, her story does not end there. As everyone knows, getting admitted into an institution of higher education is one thing, but graduating with a degree is another. For most students academic excellence is a major challenge. For Ms. Faulkner, it is just one of her many worries. Her admission caused her many problems, not the least of which was dealing with the media. Ms. Faulkner even recounted how she cried on her first interview. Since then, the media has become friendlier to her, and she is now better able to handle all of the publicity.

Her fellow cadets and the school administration have not been as kind. The cadets certainly have not welcomed her with open arms. She has been referred to by fellow classmates as "the Shrew," and a T-shirt is in circulation around campus which reads "1,900 Bulldogs and One Bitch." The bulldog is the school mascot and the bitch, of course, refers to Ms. Faulkner. When asked why the cadets at The Citadel are so afraid of her, Ms. Faulkner reasons that "they're afraid that I will easily succeed at something they can barely pass." But her problems do not end on campus; they follow her home. She told the audience about derogatory remarks painted on the outside of her parents' house. Furthermore, she has received death threats from those opposed to her being at The Citadel.

Even though Ms. Faulkner has received little support from her fellow cadets and the school administration, she says that her professors have been supportive. Almost surprisingly, she feels that they treat her with the same respect as they do the male cadets. In addition, she has received a lot of support from her parents, who believe in what she is doing and feel that she is doing it for all the right reasons.

There are those, however, who believe that Ms. Faulkner is doing this for publicity. But she denies this allegation, firmly stating that she never expected it to become such a big issue. She went through with the lawsuit because of her belief in the American dream. Her ultimate goal is to become a teacher, and she applied to The Citadel because of its educational department, prestige, and alumni network. Additionally, she explained that she wants the opportunity to see if a life in the military would be suitable for her. When she graduates from The Citadel, she is not required to join the military. As a matter of fact, only 20% of the student body at The Citadel are commissioned.

"Citadel," by definition, is a wall built to defend a city. From Ms. Faulkner's perspective, it seems that The Citadel is just interested in defending the symbol of male dominance and the myth of male superiority. She is encouraged by her own progress within the hallowed walls, and hopes that other women will follow her example.

Ms. Faulkner's attorney, Sarah Mendelbaum, is encouraged by the progress of this case. She believes that if this suit goes on, it may become the Brown v. Board of Education for women. In a similar suit brought against The Virginia Military Institute, the court ruled that the "separate but equal" doctrine applies to gender classifications in schools. That case is considered by some to be the Plessy v. Ferguson on this gender issue. Although Ms. Mendelbaum understands that a historical difference exists between racial and gender discrimination, she believes that such a rule applying to women is outdated. Ms. Faulkner and her attorneys believe that private schools have a right to be single-sex, but public educational institutions, such as The Citadel, should not be permitted to practice such gender discrimination.

In closing, it can be said that Ms. Faulkner has learned a valuable lesson. She now realizes that there are those in this country who will try to stop others from having the American dream. However, she has also learned that when a dream comes up against a brick wall, no one must quit. She knows that if one tries hard enough, our justice system will help break down that wall in order to reach one's goals. Although her legal battle is not over, on a personal level, Ms. Faulkner has succeeded.
The Reporter is accepting submissions for the Valentine's issue due out in February, 1994. Your submission should be addressed to a person with both the first and last name, your name and a brief message.

Valentine

To: ________________
From: ________________
Message: ________________

Editors Note: The Reporter reserves the right to edit any messages.

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DECEMBER 1994
Forgive me. I have no idea what to write about this month. Not a drop of creativity is running through my veins. Plenty of coffee, though. In fact, I won't even bother to say that in this margin-blanket section of finals and festivities; I am so severely medicated that if you cut me, I would percolate. But not even my favorite drug can get my creativity going. I feel like a coffee bean: dried, ground, and boiled within an inch of my life. Actually, that would be a step up. At least a cup of coffee is somewhat stimulating. I feel like a coffee drink. At least no woman has used me as an emotional whack-a-mole. Hermitage does have its virtues. While I wish young women would say, "I'd be happy to hold your football," they always yank it away right as I try to kick it. And I land on my back with a resounding thud. Not that my dog has anything pithy to say. Beauregard stares at me and makes me feed him.

I also picked up a lovely flannel robe. It makes me look like I hunt possum, live out of a trailer home, see UFOs, and have a name like Zeko. Or that I shop at a 'rugged yuppie' boutique. After all, there is no beast more dangerous than a rugged yuppie. My friend Brian is a rugged yuppie. He works out, drives foreign cars, wears lots of plaid flannel, and, for some unexplainable reason, tries to blow the hell out of cute little deer. To my recollection, he's never actually hit a bambi. But he possesses many working skills: he drinks beer, grunts, builds things out of wood, and can set fire to anything in the forest. The phenomena might arise out of shopping at these rugged yuppie shops, but I have no desire to set fire to my lovely roll top desk. And I still have no idea of what to write for this issue.

I could write about Civil Procedure. The problem with Civil Procedure humor is that there is none. While my professor can have fun with in rem jurisdiction, I, apparently, cannot. It is a subject that could certainly take a beating. It has, after all, given me a beating. There is nothing like going to class well prepared and confidently only to walk out feeling like I am from Arkansas. So now I skip the middle man. I go into the class feeling like I am from Arkansas, mumble and rustle papers when called on, and leave feeling like I am from Arkansas. And I get to bed at a very reasonable hour.

Actually, I have been going to bed at a very reasonable hour all semester. Most notably on Friday and Saturday nights. I clearly need to buy a new life. The one I rent needs a new picture tube. At least no woman has used me as an emotional whack-a-mole. Hermitage does have its virtues. While I wish young women would say, "I'd be happy to hold your football," they always yank it away right as I try to kick it. And I land on my back with a resounding thud. Not that my dog has anything pithy to say. Beauregard stares at me and makes me feed him.

\[
\text{"I could beat the dead horse for one more laugh on torts. But a tort is a tort, of tort, of tort, and nobody talks to a tort, of tort. Unless, of tort, that tort of torts is the famous Mr. Ed."}
\]

I will not poke fun at Contracts because I fear my professor. I mean, the mistake of identifying myself as a former singer-type person. (note: I volunteered. This action is like dumping a bloodied carcass into a shark pool - both acts "draw attention") Eventually, he asked me a question regarding singing. Now I was buried in the case trying to figure out what some inane English judge, who is probably dead, wrote. And then the room got quiet. It took me a full minute to notice. I smiled as the Professor ripped out my tender ego and clubbed it like a baby seal. What did I learn from this event? I will never look at my book again. I will never engage in legal reasoning when class. I will never volunteer. But I will pay very close attention. And in the end, what else is important? Basically, I am desperate and I really have nothing to say. If you do have a great topic, please send me something, c/o the Reporter. By the way, I am also out of coffee.

I am probably at a loss for words because my parents are coming for dinner this weekend. I know that you are saying to yourself, "Joshua, my friend, free meal. Get over it." However, you do not know my parents. They exist outside the rational world. They have these special hearing aids that warp whatever I am saying into a request for a BB gun.

\text{Editors: You'll shoot your eye out, kid!}

I rest my case. By now you would think they should start listening to what I have to say. But nooo! Well, Dad's a doctor, so conversation is limited to the exchange of the occasional doctor/lawyer jokes. (Why is God better than a doctor? God does not think he's a doctor.) You'd figure at least Mom would listen. Allow me to describe, in nauseating detail, their last visit.

To begin with, I do not know why they visit. I thought I parent-proofed my apartment. Ruth's got bad knees and Steven's got a bad heart. So when shopping for an apartment, I chose one that had no elevator and lots of stairs. And they still visit! I love my parents, especially when there is a state boundary between us, but they are just infuriating. On their last announced visit, I asked for three simple things: 1) Bring a showerhead as mine is currently held in place by duct tape. Actually, I should not be too concerned by that fact. After all duct tape is closely related to the Force. It has a light side. And it holds the universe together. At least in my bathroom. 2) Bring Beauregard. He's dumb as a post, but, as a dog he is so cute. I miss his absolutely clueless expression. It must be nice to be so stupid that my Contracts book looks appetizing. But I should not criticize. I am in law school. He takes long naps in the sun. Who's the stupid one? 3) Leave my little brother David at home. Well, when they arrived David brought my lovely curtain rods up to my apartment. No curtains, just the rods. Well, if ever need to tilt at windmills, at least I have a lance.

\text{Editors: 1L, this has absolutely nothing to do with law school...}

When I asked them why they brought David and the curtain rods, they yelled at me. I laughed in their faces. This course of action is generally unwise as far as courses of actions go. Laughing at your creators is kind of like endorsing the other party's candidate for governor. I told them not to yell at me in my apartment. As far as courses of action go, this would be the second dumbest action I could take with respect, or rather without respect, to my parents. They responded with "your apartment." Once they commoned with their personal deity through their mantra of "your apartment," they threatened to leave and take their assistance. I told them to start with my extremely ugly plaid couch. With this action I achieved an entirely new level of disrespect. My father asked me where I got off saying that the apartment was mine. Now, watch closely. Herein lies the serious mistake. I employed IRAC issue: Who owns the apartment? Rule: The person who pays the rent and the bills owns the apartment. Application: I pay the rent. I pay the bills. I paid the movers. I did not buy most of the furniture, but most of it was "if you get it out of my house you can have it" donation. Conclusion: The apartment is mine. My parents do not appreciate IRAC. I blocked out the totality of the afternoon but I now have curtain rods over the two windows and tuna noodle casserole in the fridge. I hate tuna noodle casserole.

\text{Editors: Well, we like tuna noodle casse­role...}

And you wonder why I am not thrilled at the prospect of a visit. While I will eat well, my parents do serious emotional damage that can only be undone by very heavy drinking. Or a round with that old Bluebook.

P.S. A Doberman pincher.

DECEMBER 1994
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Movie Critic's Corner

By Rhonda Bassat '95

Since I know that you are all following this column faithfully, hanging on to my every word, here's a pop quiz: who's my favorite director/actor? See, I knew you'd remember - Kenneth Branagh! I eagerly awaited his latest, Mary Shelley's Frankenstein, and wasn't disappointed. Mary Shelley's Frankenstein is a 2 hour, 8 minute TriStar film and is rated R.

Mary Shelley's Frankenstein is a lavish, obviously big-budget movie, set in the late-eighteenth century. The story is told via flashback by Victor Frankenstein (Kenneth Branagh). Young Victor's mother died while she was giving birth to his younger brother, and he was severely affected; he felt that modern medicine should be able to keep people alive forever. He made that goal his quest, and went off to medical school, where he met the very serious Professor Waldman (John Cleeese). The Professor took Frankenstein under his wing and showed him his abandoned research, in which he had almost created life but an "abomination" resulted. When the Professor is killed, Frankenstein takes over his work. In an amazing scene, he creates life (Robert De Niro). Almost as quickly as he created it, however, Frankenstein inexplicably turns against his creation. "What have I done?" he repeatedly cries. Believing the monster dead, he and his adopted sister Elizabeth (Helena Bonham Carter), with whom he has carried on a romance throughout the film, decide to finally marry. However, a series of disasters soon strike Frankenstein's home. Meanwhile, the movie follows the "monster" as he develops human-like feelings, but is forever an outcast. The end is a spectacular whirlwind of love and rage and fire and gore and revenge.

Robert De Niro evokes compassion for the monster. He depicts the monster's inner turmoil of warring emotions, creating a sympathetic understanding of his quicksilver transformations. De Niro's makeup, including different color eyes, certainly deserves an Oscar nod. Branagh portrays Victor Frankenstein as a man driven to preserve life, so that no one must suffer the pain of loss. Branagh does an excellent job of bringing the audience into his obsession and then sharing in his revulsion. Helena Bonham Carter is not just the run-of-the-mill love interest, she has backbone while obviously loving Frankenstein with all her heart.

I would be remiss if I didn't mention the sets, costumes, and musical score of Mary Shelley's Frankenstein. Branagh must have had an unlimited budget and took full advantage of it. Everything was elaborate and perfectly done so as to create the impression of Switzerland in the late-1700's. The whole cast probably took dancing lessons, too! However, I must point out that the plot was stretched rather thin at times. For some reason, I wasn't all that scared, either. And all of the lavishness pushed Mary Shelley's Frankenstein way over the top. But in a very nice way. My rating: [4 gavels]

After all of the hoopla, I was dying to see Interview with the Vampire (pun intended). Anne Rice's novel came to life on the silver screen with a vengeance, and, incredibly, a heart. For once, a movie actually lived up to its pre-release advertising! Interview with the Vampire is a 2 hour Neil Jordan film, rated R, and made by Geffen Pictures.

The film begins with Louis (Brad Pitt) telling his life story to the Interviewer (Christian Slater) in modern-day San Francisco. Louis tells him that he is "flesh and blood but not human for over 200 years." With that creepy line, the audience is catapulted back to New Orleans in 1791, when Louis is "made" by Lestat (Tom Cruise) in a very erotic, gory scene. However, Louis is unhappy as a vampire and clings to his humanity. Instead of killing people as Lestat eagerly does, he feasts on rats, children, and poodles. Lestat tries to explain his behavior by telling him that "evil is a point of view... God kills indiscriminately and so shall we." Realizing Louis' ties to humanity have not been broken, Lestat makes Claudia (Kirsten Dunst), a mere girl, a vampire for Louis' companionship. Years pass (vampires never age) and both Claudia and Louis are dissatisfied, so they attempt to kill Lestat and leave for Europe. Now it is 1870, and Claudia and Louis meet Armand (Antonio Banderas) and Santiago (Stephen Rea), who are in charge of the Theatre of Vampires. From this point on, Interview with the Vampire goes up in flames! The story ends as it began; Louis is still empty, the Interviewer is still intrigued, and vampires still walk the streets.

Tom Cruise stalks through Interview with the Vampire with some of the funniest and most disturbing lines of the movie. He is portraying a vampire, and succeeds in making the audience believe that he actually is one - his actions make sense from a vampire's perspective. Brad Pitt's Louis is always struggling to reconcile his vampiric desires with the mortal spirit living within him, as his facial expressions and actions clearly reflect. Antonio Banderas' portrayal of a bored dilettante was perfect. But for me, Kirsten Dunst stole the show! This child actress' performance was chilling - she flawlessly portrayed an adult woman who is trapped in a girl's body.

Interview with the Vampire is dark, as a vampire movie should be. The sets, costumes, and make-up were perfectly done. I must warn the squeamish that there is a lot of blood and gore; this movie is NOT for the faint of heart (NOTE: good play to take a date you want to get close to!). Remember that the story is told through vampires' eyes, so people in general are treated like turkeys on Thanksgiving. I left the theater chilled, yet strangely empathetic with the lonely, empty Louis. Interview with the Vampire is a must-see! My rating: [5 gavels]

By Vladimir Vizner '97

Live Performances

Bob Dylan at Roseland - October 20, 1994

Bob Dylan played three sold out shows at Roseland in the City. Modern rock's most influential star played before a packed house. The sound was thankfully clear and intelligible, making for a damn good concert.

Attending the third show were Allen Ginsburg, G.E. Smith of the Saturday Night Live Band, Neil Young, Bruce Springsteen, Patty Scialfa, and New York Law School's very own Shawn Wallach.

To fully appreciate a modern Dylan show, one must keep certain realities in mind. Dylan has, through the years, gotten bored of playing his old songs. He still plays them sparingly, but when he does, they are changed so radically that even the most devoted fan would have a hard time recognizing them. He played My Back Pages, which was completely rearranged, both vocally and musically. All Along the Watchtower was also changed but the revision produced an excellent rendition. Unfortunately, listeners who are used to hearing these hits as they were recorded could be easily frustrated by the newer versions. His recent efforts unfortunately are not on the same level as the older material. The highlights of the concert came when Dylan and his band just jammed. The instruments blended together to achieve beautiful musical harmony, often sounding like Creedence Clearwater Revival at their bluesy, folk-rock best.

Dylan played electric and acoustical guitar. He also played his harmonica. His voice was still whiny though. The concert ended on a star-studded note when Dylan asked Bruce Springsteen and Neil Young to share the stage with him. Together they came out for numerous encores and played Rainy Day Women and Highway 61. Neil Young exhibited his phenomenal guitar skills by taking the solos without hesitation.

The opening act was MTV's latest throwaway Barbi Doll pop star, Sheryl Crow. She played hits, Leaving Las Vegas and All I Want to Do (is Have Some Fun). Nothing special, nothing terrible. Although, she was not the perfect compliment for the headliner, her trendiness was a welcome addition to the show's bill.

Notice to Concert-Goers

Avoid TicketMaster's silly surcharges and check with the Irving Plaza box office at (212) 777-6800 before buying tickets. Also, if you are going to Roseland, get there early to avoid long lines, as well as crowds blocking your way to the stage.

Upcoming Performances

Nine Inch Nails will appear at Madison Square Garden on December 9. The Cranberries and MC 900ft Jesus will appear at the Beacon Theater on December 16 and 17.

DECEMBER 1994
Castle in the Air

names of the students who gave me their ideas, for they fear that they may be breaching some duty not to exercise their First Amendment rights because they are in law school.

One of the first ideas to get NYLS out of NYU's shadow was to simply "CHANGE the NAME." Now, you are saying, "What? Change the name of NYLS after I spent more than $35 on a sweatshirt worth $5, and the school has spent all that money on stationary?" YES I AM! We already lost the case of NYU v. NYLS; what's in a name, anyway? If we changed the name to The Manhattan School of Law, we might graduate explaining how our school is different from NYU.

My personal suggestion on how to improve the school's reputation/appearance/individuality/perception by outsiders is to actually hire a marketing/advertising company to build and initialize a plan for the school. Basically, the company will give us a goal and help us along the way to achieve that goal. NYLS currently is not doing that to its optimum potential.

The other suggestion on how to improve the school was given to me by a professor. How many people know why NYLS owns that empty parking lot which is collecting dust? Because a building was supposed to be built there. However, the deal never went through! Now, here's the idea: put up a NYLS 50-story skyscraper there. Hell, agree to place certain law firms or even courts there, in exchange for which NYLS will provide interns, clerks, prosecutors, and defendants, eh-hem, public defenders in the building at a reasonable cost to all parties involved. Yeah, and give jobs to all those students who need them, according to every survey ever published.

Yes, this goal of mine is but a dream! But think, if it came true, we could hand pick our students, and therefore alumni, by the amount of points they were above the standard 3.5 GPA, rather than above the standard 2.5! But who am I to speak?

Tune in next month when I actually start to construct our new law school skyscraper myself, by merely using those horrible, little round pizzas as bricks!!!
There But For the Grace of Good DNA...

As to the suggestion that lawyers with LDs be forced to advertise their disabilities, this is a simple invasion of their right to privacy. The professor distinguished LDs from "physical" disabilities, which he said are not that obvious to a potential client. I responded that LDs are physical, just not as apparent. For instance, paraplegia, yet no less real. If an otherwise healthy attorney broke the hand with which s/he writes, or suddenly lost his/her sight, would s/he be obliged to call all clients to alert them? Hardly - s/he would be expected to compensate for the injury in a fair manner and would not be disbarred for having suffered it. Likewise, a learning disabled lawyer ought to be permitted to practice, be expected to compensate as necessary, be given all reasonable access to materials and assistance that would be helpful, and be held to the same standards as everybody else.

The professor's charges are simply invalid. Only a small fraction of attorneys ever see the inside of a courtroom; as another professor pointed out, people with LDs tend to know their limitations better than anyone and are likely to accommodate areas of specialization that don't entail overtime orders or massive speed, such as contract work or negotiation. If such a situation were to occur, though, a well-chosen staff or other appropriate assistance would eliminate the problem. The learning disabled lawyer would know best how to compensate for his or her perceptual difficulties.

As for the comparison to retardation, that is a canard that hopefully will dissipate from our society as LDs are better understood, and as more people with LDs achieve success in their fields when given the opportunity to do so. Those who endure LDs are not malingering, yet any disability that is mental or neurological in nature tends to be viewed as such. Given the high incidence against those with LDs, one would be highly unlikely to fake them because of the social sanctions that inevitably occur.

The professor's sentiments are extreme, to be sure, but similar ideas were voiced by another professor and several current and former students. One alumna told me that she works with a learning disabled lawyer who must stay late at the office several times a week. She is a government employee, and thus no one is charged for the extra hours. Even though the only person who really suffers is that particular attorney with LDs, many people in the office resent her presence.

There are also those who hold the opposite view, that not nearly enough is being done for those with LDs, and that a wide range of accommodations, materials and access have yet to be provided. The people who hold this view do believe that our school has come far in this pursuit, and that progress continues in the right direction. But they assert that students with LDs ought to have the right to tape and transcribe all classes, and some have asked that copies of their professors' own class notes be made available. However, this solution would not be fair to the non-disabled students as they would not have parallel access. The ADA provides for "reasonable accommodation," not an education on a silver platter.

For certain students, taping classes is necessary because LDs or visual deficiencies (or even a broken arm) may make note-taking impossible. It would be appropriate for the school to adopt a policy regarding such students, and the disposition of the tapes, for precisely such cases. But the transcription and its sale are in conflict with professors' copyrights on their lectures. Thus, an explicit policy must be created and publicized so as to level the playing field for all students while permitting the lecturers to protect their intellectual property rights. One professor has announced that he will permit the unrestricted taping and transcribing of his classes, and the transfer of such transcripts, so long as the students do not charge any money for them. This seems to be a reasonable compromise. If a professor seriously objects to students recording their lectures, the administration should make special arrangements.

The administration is legitimately trying to develop a policy that benefits the students with LDs without providing them an unfair advantage. However, the Office of Student Services makes all decisions regarding accommodations for students with disabilities. In order to qualify, students must present adequate medical documentation.

Continued on page 15
Reaping the Rewards

By Marcy Melnikoff '95

"I have opinions about everything," said 3L Kevin Brady, laughing. "One day, I was called on it. Someone remarked that I had a lot of opinions but didn't do anything about them." Brady thus realized that although he was critical of the welfare system and social politics in general, he knew little about those affected by the system. His desire to acquaint himself with the daily realities of welfare recipients influenced Brady to run a soup kitchen for two years, and then to pursue a law degree.

Located in a Newark brownstone, the tiny kitchen was run with such efficiency that 700 meals were prepared each day. Meals were served Tuesdays through Thursdays beginning at 3:00 p.m. When it got crowded, people were sent outside, rain or shine. "When they got wet, I got wet," Brady said. An important lesson that he learned was "how to talk to and control large groups of hungry, angry people." From listening to their oft-untold stories, Brady gained a realistic view of the mind-set and culture of the homeless. And as far as culinary skills go, Brady said that, "after preparing pasta for 300, having 20 people over for dinner is no problem!"

Brady's work at the soup kitchen and in the legal department at Covenant House have convinced him to use his law degree to work with the homeless. Brady is critical of the welfare system, which he feels encourages dependency. Although a government job involving welfare reform policy would be appealing to him in certain respects, his goals are to work with the homeless population and to assist them in maneuvering their way through the welfare system. Brady's attitude toward public interest work reflects a realistic view. While there cannot be "reform" of the whole legal and social system, each attorney can practice "case-by-case reform," by using a client's case to change a judge's attitude or educate others to the realities of the underclass.

Brady, who is an avid gardener, is well aware of the limits of both Mother Nature and human nature. At Covenant House, frustrations can run exceedingly high. For example, after a group of tenants brought a class action against an unscrupulous landlord who had placed them in apartments that were "so below code that they should have been totally razed," the landlord simply abandoned the case. The tenants, many of them welfare recipients, were forced to move to the streets or enter the shelter system. "How does one cope with the frustrations? "You pace yourself," Brady said.

For Brady, progress is not easily measured, either in his garden (his current crop includes Big Boy tomatoes, cucumbers, oregano, and lemon balm) or from those he spends his time helping. His years of working with the homeless have taught him not to "expect to be thanked." Once, a group of people approached him after a particularly hectic day at the soup kitchen and said, "we just want you to know that we really appreciate what you are doing and that you do make a difference." This is one of the many small victories that keep Brady going. And while he faithfully tends his garden, Brady reminds himself that, "plants have been doing this without our help for millions of years." He recounts how one crop of his plants appeared to be dying. Cutting them back didn't seem to help. "Now, they're massive," he said. For Kevin Brady, rewards creep up unexpectedly.

Law Hosts 200

On Wednesday, November 9th, the Steifel Reading Room was filled with students, faculty and staff enjoying the Legal Association for Women's (L.A.W.) second annual "Celebrate the Women of NYLS." The annual event was started last year as a way for students to interact with the female Deans, faculty, and staff on an informal basis.

This year's event was a huge success with over 200 people in attendance. Among the distinguished attendees were Deans Harry Wellington, Ellen Ryerson, and Harriet Inselsbuch; Professors Lenni Benson, Carol Buckler, Karen Gross, Marianne Hogan, Alexandra Maravel, Carlin Meyer, Michael Perlin, Katie Pratt, and Ruti Teitel. Deborah Howard, Director of Career Services; Elaine Mills, the Writing Specialist; and Sally Harding from Student Services were also present.

Michelle Claudio and Noelle Kurtin, L.A.W.'s co-presidents, planned this event and hope that next year's board will continue this valuable tradition.

Bar exam.

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Sound Off To The Ombudsman

An Ombudsman investigates reported complaints (from students or consumers), reports findings, and helps to achieve equitable settlements.1 The Reporter’s column “Sound Off To The Ombudsman” is presented for entertainment purposes only.

Dear Ombudsman,

Thank you for mentioning me in your column in the last edition of the Reporter. Demosthenes, the greatest orator of the ancient world, would practice his oratorical skills by speaking to the roar of the ocean with his mouth full of pebbles. I must confess that at times I wonder if Demosthenes would have thought that speaking to the students and administration of New York Law School would be a greater challenge. I will continue to be the “lone voice crying out in the desert.” While I am sure you may not agree with everything I have to say, it is nice to know that at least someone is listening.

Sincerely,

Dominic D. Esposito
President, NYLS Student Bar Association

P.S. Please do not print this in your column. This is a private message between you and I.

Dear Demonic Otherwise Known As Mephistophiles,

As SBA President, you should know that nothing in this law school is private, besides, I thought you’d be ecstatic to see your name in yet another edition of the Reporter. You must have been in heaven, if that’s possible, after reading the last issue of the Reporter since your name was mentioned not once, but twice. You fail to realize that neither mention of your name was for anything that you had actually done, because you really haven’t done anything as Commander-in-Chief of NYLS. Actually, that’s not fair. I understand you and the SBA made a very controversial decision affecting every member of the NYLS community—something about when to hold SBA meetings. Congratulations, you and the other student senators should feel very proud at achieving this great feat. I bet if Demosthenes were alive, he, too, would be proud, since you have followed his example of practicing your oratorical skills with your mouth full. However, I don’t think you’ve been filling your mouth with stones, my guess is that it’s been food. You are correct though; I don’t agree with everything you have to say because you have so much to say. Too bad you don’t do as much as you say.

Dear Ombudsman,

Why does one faculty member insist on boring the class with her academic and legal pedigree? Is she so unsure of herself that she must waste precious class time with tales from her days at Oxford, Yale and a prestigious law firm? All our faculty have excellent academic credentials, we know this. Who is she trying to impress?

Signed,

I can’t believe the Dean hired her!

Dear Bored In Class (that could be everyone),

Since hearing your professor reminisce about her legal accomplishments is probably the closest you or any other NYLS student will ever get to Oxford, Yale or any type of prestigious law firm, what is the harm in allowing her to relieve her glory days? Obviously, her career has taken a nose dive if she’s teaching here at NYLS. Maybe reminiscing is the only way she can remind herself, as well as her students, that she once had a promising career. It also allows her to feel superior, since she knows she and your classmates will never experience what she has. I feel sorry for her, don’t you? She experienced such great success and now what is she doing, teaching a bunch of apathetic dullards who don’t appreciate being enlightened with her experiences. The next time she starts reading her resume and discussing her Oxford blues during class, you can: (1) raise your hand and politely ask her what prompted her career move to NYLS, and remind her this is not NYU; (2) give her a standing ovation and tell her she’s got the job; or (3) continue sleeping.

Dear Ombudsman,

Are you the law school elf?

Signed,

Anonymous

Dear Santa Claus,

No, I am not the law school elf and even though the employment market is quite bad (especially for NYLS graduates), I did not attend law school to become one of Santa’s elves. Furthermore, I am not, nor do I ever want to be, the Keebler elf, a leprechaun, a midget wrestler, one of the Snow White dwarves or a troll. Although, the law school librarians have called me the fourth floor hermit. Who am I? I am a tired law student in debt just like you, but just a little more intelligent (not much, I’m here at NYLS too). More importantly, I don’t look like an elf. You may have seen me hanging out in the cafeteria sitting next to the Mona Lisa and hiding behind horn-rimmed glasses reading last month’s edition of the Reporter. I’m always there in between classes because I like to sit and watch law students socialize. I find my classmates especially amusing as they parade in and out of the cafeteria flaunting trendy clothes, thinking they look like characters from 90210 and acting like law school is some social engagement. Do the elves at the North Pole act like this?

Dear Ombudsman,

I realize you answered a similar question already, but I feel compelled to ask again. WHY ARE LAST YEAR’S GRADUATES STILL MILLING AROUND THIS SCHOOL ON A CONSTANT BASIS? I realize that they still don’t have jobs but don’t they realize that their presence is a constant reminder of the fate that will soon befall the rest of us? I wish they would be more considerate and find some other place to loiter.

Signed,

Worried 3L

Dear Jobless and Clueless,

I agree. How’s this for an idea — we ask the SBA to pay for several charter buses to Florida, Texas, or better yet, Mexico. We invite the unemployed (80% of last year’s graduating class) to a bus outing, and when the bus doors close, we all stand outside and wave goodbye. Then they can be the traveling, economically challenged law student segment on Late Night with David Letterman.

1 WEBSTER’S NINTH NEW COLLEGIATE DICTIONARY, 823 (9th ed. 1983).

The Ombudsman invites all comments, "beefs" or questions for publication in this column.Letters will be selected, published and addressed as the editor sees fit. Send all submissions to the Ombudsman, c/o the New York Law School Reporter, 57 Worth Street, NY, 10013, or drop off your submission at the Reporter office located in the student center -- the basement of the "C" building.

TOP TEN REASONS TO ATTEND NYLS

By Sean Malatesta ‘95

10. Confusion with NYU
9. SBA President Dominic Esposito
8. Sexually fulfilling artwork
7. Exquisite holiday shopping on Chambers Street
6. Famous century of history wall
5. Cuevas, Cuevas, Cuevas
4. Rock-Ridge look-a-like parties
3. Giant phallus in the Mendik Library
2. All of those days off in the fall!
1. Three Words: The Great People

The REAL LAW SCHOOL DIPLOMA

DECEMBER 1994
It is a dark and stormy night. The vile predator peers through the bushes of the manicured suburban landscape. He salivates as he awaits General Assembly and signed into law by Whitman, and is the State's legislative answer to the child sex offender problem. The package completely revamps the state's approach to dealing with sexual offenders. The solutions range from making the murder of a child under 14 an aggravating factor justifying a death sentence, to creating a center for sex offender treatment.

The most constitutionally controversial bill of the “Megan’s Law” package is Senate bill S-14. S-14 centers on sex offender notification and registration. It establishes a three-tiered system that requires advance notice when convicted sex offenders are released from prison to law enforcement groups and community organizations, and in the most serious cases, the public. The type and number of groups to be notified depend on whether the offender is determined to be of low-, moderate-, or high-risk of molesting again. If authorities believe the possibility of new offense is high, then the public would be notified, pursuant to guidelines to be developed by the Attorney General’s Office in conjunction with an advisory panel (which will include members of the public).

The community notification element of “Megan’s Law” passes the legitimate state objective test of the Fourteenth Amendment’s Due Process Clause. The authorities notify the community only in the most extreme cases. Community notification symbolizes the legislature’s belief that the rights of future victims outweigh the rights of particularly dangerous, highly recidivistic, convicted sex offenders. This is not a broad classification. It is a specific, finely tuned, minority of offenders, who pose a danger both to themselves and the community. These offenders are not to be pitted like Mary Shelley’s Milton-quoting Frankenstein’s monster. Prison rehabilitative efforts have failed; the state’s only other recourse is life imprisonment. Community notification alerts both the public to a high-risk and law enforcement to an individual who may one day need protection from frenzied, mob-enforced law and order. It is a humane solution whose specificity ensures its constitutionality.

New Jersey owes a duty of protection to its citizens, all of its citizens. “Megan’s Law” protects our children from a category of criminals whose offenses are so filthy, so heinous, that severe actions must be taken. Yes, it is an emotional response, just as our Bill of Rights was. Freedom of the press and freedom of religion also stemmed from colonial outrage. Emotion does not undo a law nor does it negate its constitutional validity. Our Supreme Court ordained a test; S-14, passes that test. Equally important, it prevents another Megan Kemka tragedy.

“Community notification symbolizes the legislature’s belief that the rights of future victims outweigh the rights of particularly dangerous, highly recidivistic, convicted sex offenders.”

In a suburban New Jersey community recently, a young girl was sexually abused and killed by her new neighbor. The neighbor was a convicted sex offender. Public outrage ran very high. As a result of this crime, the legislature passed what has been deemed “Megan’s Law,” named after the young victim. According to this new law, the community must be notified if a convicted sex offender is moving in the neighborhood. After all, we must protect our children!

I sympathize with the sentiment behind “Megan’s Law.” No one would knowingly lead their child to a wolf’s den. The convicted sex offender is that wolf in sheep’s clothing, and living next door. He is just lying in wait for any child who is foolish enough to go near his lair. The community needs to identify these sheep-cum-wolves so that they may properly instruct their children who to trust. Seems pretty logical.

However, the Constitution has something to say about the above logic. The Fourteenth Amendment states that “nor shall any State deprive any person of life, liberty, or property, without due process of law.” In my opinion, the Due Process Clause renders “Megan’s Law” unconstitutional. Moreover, the ex-convict’s penumbral right to privacy is being unfairly abridged in this legislation.

I have many problems with “Megan’s Law.” First, why single out sex offenders? Why are they more dangerous than, say, murderizers or any other violent criminals? Apparently, the perception is that a sex offender is more likely to repeat his crime, to act in conformity with a character trait. “Megan’s Law” requires notification only with “the most extreme cases,” meaning “high-risk” offenders. Who decides which person is a “high-risk”? And does that mean a “low-risk” sex offender poses no danger? Furthermore, since the legitimate state objective is to protect children, why not limit the class to child sex offenders? This overly-broad classification requires that the community be notified if any sex offender, from child molestor to rapists of adult victims, attempts to enter its enclave. Thus, the classification is illogical. It is too broad because it includes non-child sex offenders, yet too narrow because it doesn’t include all violent criminals.

Second, when is the community to be notified? If the members of a neighborhood are told prior to the sex offender’s moving in, could they prevent the move? Doesn’t that go against the constitutional right to life and liberty, and the implied rights of privacy and of living anywhere one chooses? By allowing a community to select its members, discrimination problems are apparent.

Third, and most important, is the right to privacy. The convicted sex offender has served his jail sentence and has been released from prison. He has paid his debt to society. If the theory behind incarceration is rehabilitation, doesn’t an ex-con deserve the opportunity to demonstrate he is rehabilitated? According to “Megan’s Law,” whenever a convicted sex offender wishes to move, the prospective community must be notified. The ex-con can never start over with a clean slate and has been released from prison. He has paid his debt to society. If the theory behind incarceration is rehabilitation, doesn’t an ex-con deserve the opportunity to demonstrate he is rehabilitated? According to “Megan’s Law,” whenever a convicted sex offender wishes to move, the prospective community must be notified. The ex-con can never start over with a clean slate. The new neighbor is that wolf in sheep’s clothing, and living next door. He is just lying in wait for any child who is foolish enough to go near his lair. The community needs to identify these sheep-cum-wolves so that they may properly instruct their children who to trust. Seems pretty logical.

“Megan’s Law” is an emotional response to a tragic story. It is an understandable attempt to protect our children. Unfortunately, this newly-enacted statute is most likely unconstitutional. I do not think the Due Process Clause permits local governments to expose the hidden wolves around us.
$2 Million Grant from Starr Foundation

New York Law School has received a $2-million grant from The Starr Foundation to endow a C.V. Starr Professorship in International trade and finance, it was announced by Lawrence S. Huntington '64, Chairman of the Board of Trustees, and Harry H. Wellington, President and Dean of the Law School.

Said Dean Wellington, "New York Law School soon will begin a nationwide search for a distinguished practitioner in the field or a leading scholar to become the first C.V. Starr Professor."

"This generous grant will help us parlay our significant resources in the area of international studies, creating a true International Law Center at New York Law School," said Mr. Huntington, who is also chairman of Fiduciary Trust International. "The building blocks for an International Law Center at New York Law School have been in place and all that remains to be done is to bring in an individual to fashion and direct these resources."

Existing Resources

The Otto L. Walter International Fellows Program was established in 1986 by Dr. Walter '54 to attract an outstanding scholar, practitioner or public servant in the field of international affairs to be in residence at the Law School for one or two days each year. S/he would co-teach a class in international law, give a major public address, and meet with faculty and students having a special interest in international affairs.

The Ernst C. Stiefel Comparative International Law Program was established in 1988 by Dr. Stiefel of the Law School's adjunct faculty to support new projects and initiatives in the areas of comparative and international law, including symposia, visiting lectureships, scholarships, and faculty research activities. Together, they have enabled NYLS to present outstanding symposia and speakers (including Ambassador Max Kampelman, Hon. Aahron Barak of the Israeli Supreme Court; Ambassador Thomas Pickering; and, most recently, Assistant Secretary of State John Shattuck) on important international issues (including privatization in Eastern Europe and the rule of law in China).

In 1979, NYLS founded the International Law Library, which is housed in its own wing of the Mendik Library and named for C.V. Starr, the creator of The Starr Foundation.

Strong Faculty

NYLS's highly-regarded faculty includes several members with broad expertise in various areas of international law: Lung-chu Chen, who currently sits on the committee drafting a national Constitution for Taiwan, his homeland; Alexandra Maravel, author of several important textbooks and articles on international trade and unfair foreign competition; Armando Belly, former head of the Commodities and Derivatives Practice Group at Willkie Farr & Gallagher and now is a full professor at NYLS; Ruti Teitel, who has established a reputation for her scholarship and advocacy in the prosecution of crimes against humanity and criminal procedure under repressive regimes; and Zuhayr Moghrabi '67, a member of the adjunct faculty who is a petroleum engineer and an expert in international and Islamic Law.

NYLS Links to Starr Foundation

Maurice R. Greenberg, NYLS class of 1950, Chairman and Chief Executive Officer of American International Group, is Chairman of The Starr Foundation; Ta Chun Hsu is President. The Starr Foundation is based in Manhattan. There exists at New York Law School a significant scholarship endowment begun by The Starr Foundation and supplemented by the Foundation annually. Today, it is the largest single scholarship endowment in the nation.

Other Law Centers at NYLS

New York Law School already is home to two Centers dedicated to the systematic study of specialized areas of the law:

The Communications Media Center promotes education, research, writing and discussion about the laws governing mass communications, telecommunications and computers; it sponsors seminars, conferences and lectures on current issues in communications law. The center was founded in 1977 by Prof. Michael Botein; Prof. Allen Hammond currently is its Director.

The Center for New York City Law focuses its legal scholarship and public outreach efforts on New York City legal issues and governmental processes. It was founded in 1993 by Prof. Ross Sandler, former Transportation Commissioner under Mayor Edward I. Koch and former partner at Jones, Day, Reavis & Pogue, who is its Director.

Background on NYLS

Established in 1891, New York Law School has an enrollment of nearly 1,400 students in its Day and Evening divisions. A leading independent institution, it is located near city, state and federal court buildings in Manhattan's fashionable Tribeca district.
Rock and Roll Politician

By Kurt Moody '93

An interview with Student Bar Association President Dominic Esposito

Biography
Name: Dominic Daniel Esposito
Hometown: Florham Park, New Jersey
Age: 24
Influences: Political: N.J. Governors Tom Kean and Christie Whitman, N.J. State Senator Robert Martin, Professor Ross Sandler
Personal: My parents
Year: 3L
Undergraduate: Villanova University, B.A. (Economics) 1992
Last Book Read: God and Man at Yale, by William F. Buckley

Q. What are the best and worst aspects of the Student Bar Association?
A. Best: We are the official student government of NYLS. It’s ironic, we enroll in law school to learn the art of governance of NYLS. It’s ironic, we must use this art through their elected representatives in the SBA. Students must use this chain of command for the most effective results. If students have complaints, concerns, or suggestions, they should go to their elected representatives and voice their opinion. I have no sympathy for students who complain and refuse to use their government for change. I think the grading curve is an excellent example of how the SBA can promote positive change at NYLS.

Worst: Past SBA administrations have not been effective. Past elections have been about popularity, not issues. However, this year’s executive board was elected on a platform of this year’s executive board. The faculty and administration recognize the SBA as the voice of the student body. Students must use this chain of command for the most effective results. If students have complaints, concerns, or suggestions, they should go to their elected representatives and voice their opinion. I have no sympathy for students who complain and refuse to use the Executive Board.

Q. You have met with Dean Wellington. Please tell us the substance of these meetings.
A. I have one year to create positive change. Students lay the blame not with the Executive Board but with the President (a la Francis Bajada’s article The Party Pooper Prez). Because I am ultimately accountable for everything the SBA accomplishes, I have to be a micro-manager.

As far as politics, well, I’m a registered Republican, a fiscal conservative, and a social moderate.

How do I govern? Rock n’ Roll style.

Q. What do you mean by “Rock n’ Roll style”?
A. I have one year to create positive change. I have to make hard decisions, quickly, and usually there is a loud reaction from the students and administration, sometimes good and sometimes bad. It’s like the way people first reacted to rock n’ roll - you may not like it, but you sure as hell know it’s there.

Q. Many students perceive the SBA as a group that just sponsors parties. Perhaps you can explain what else the SBA does for students.
A. The purpose of the SBA, as defined in our constitution, is to provide forums and activities which promote legal education at NYLS. It can be argued that parties promote legal education by giving students an opportunity to blow off steam from the rigorous of legal education. Study groups can form, advice can be given about certain classes and professors, but the bottom line is that SBA has to and should do more.

The Budget Committee is doing an excellent job at maintaining fiscal responsibilities. This year we believe student dollars should be spent on those organizations that are truly active. With limited financial resources, we can no longer arbitrarily assign dollar amounts. Our Judicial Committee is doing a wonderful job at identifying which organizations exist only in name only at NYLS. If an organization is not active, the message we are sending is become active or lose your charter.

The Judicial Committee, headed by Attorney General Tedd Van Buskirk, is drafting a new constitution because our current document is flawed. Students will have the opportunity to offer comments and then vote on the new constitution early this spring.

When it comes to social events, we are concerned with cost and frequency. The party in October was very well attended and relatively inexpensive; $700, compared to past administrations that spent $1400-1800. At six parties a year, that equals $4000-10,800, almost a third of the SBA budget. We can’t spend that kind of money, not when there are so many other items that students need at NYLS (i.e. laser printers, typewriters, copying machine, fax machines).

Also, Mel Simmons, our Evening Vice-President, chairs a Loan Forgiveness Committee that will present a proposal to the administration which recommends that those students who go into public interest careers receive loan forgiveness.

Q. The two greatest student concerns are NYLS’ reputation and getting a job upon graduation. Your administration just has one year, what do you hope to accomplish?
A. The Public Relations Committee is working on improving the reputation of NYLS. The U.S. News & World Report unfairly graded us, but it is actually law school deans, judges, and lawyers who do the actual ranking. The Public Relations Committee, working with Professors Nadine Strossen, Karen Gross, David

REMINDER
Deadline for article submission for the next issue is January 23

Continued on page 18
Common Law Courtesy

6. If you bring food (and I recommend that you do, especially for marathon exams), please make sure that it won’t disturb your fellow test-sufferers. Last year, one student had the audacity to come to an exam with a bagel with lox and onions, all wrapped up in crinkly paper. The stench was extraordinarily distracting, as was the noise. Don’t follow this example! Instead, choose snacks that don’t smell (even a pleasant aroma can be hard to bear in a high pressure situation). Bring quiet food (no pretzels or crunchy chips unless you plan to suck them) and repack it so the containers don’t rustle or clunk.

7. Come to your exams ON TIME. This is important in any event, as you need every minute allotted. But we all know that the often-geriatric proctors will allow you to enter well past the beginning of the exam in many cases. But you risk disturbing, and thus alienating, your entire class by taking advantage of this. If you are unavoidably late, tiptoe in.

8. Even if you truly believe that the final was a piece of cake, don’t be so rude as to express this sentiment to your less-confident colleagues. It gives them nightmares weeks before grades are posted. Also, you could be wrong, believing it was easy was you missed the main issues.

9. After the exam, go out with the buds and buy a round for them. Whether it’s alcohol, coffee, or juice, you’ll need to unwind with your friends. Don’t worry - by the time the evening exam period is over, you all will have bough enough times to even out the finances. And don’t use this time to rehearse the test - relax and have fun, you’ve earned it.

WHEN IT’S ALL OVER...

10. Pass on any especially good outlines or study aids to future generations. It’s something of a tradition at NYLS to do so. If you can afford it, don’t charge money; otherwise, a nominal fee only. And never charge more than copy costs for your own work.

11. Tell anyone who asks which professors to seek out and which to avoid. Give honest assessments of the classes and the exams. Advice of this sort has been beneficial for many of us, and will come in handy for you as well.

12. Don’t discuss grades with anyone but your closest friends. It’s nobody’s business, and you will gain nothing but pity or a reputation for bragging.

13. Take at least one II under your wing. Again, this is a NYLS tradition that has great merit. I got lots of valuable advice and guidance from a couple of upper-classmen and I will always remember them for getting me through the “worst of the first.” And I was by no means the only one. When they helped me, it was with the request that I do the same for someone when the time came. I did, and it felt good. It’s also a fine way to make real friends.

There is more, to be certain, but anything I haven’t explicitly mentioned is purely common sense. We’re not talking Emily Post which-fork-is-for-the-fish stuff here, just methods of displaying respect for fellow members of the NYLS community.

Emily Post which-fork-is-for-the-fish stuff here, just methods of displaying respect for fellow members of the NYLS community.

Recent Moot Court Association Accomplishments

By John Belmonte ‘95

The Moot Court Association is proud to announce that our teams this year have been bringing honor and recognition to our school. The Chicago team, consisting of Thomas O’Hanlon, Patti Veres and coach John B. Belmonte, advanced to the octo-final round of the John Marshall Law School Moot Court Competition in Information, Technology and Privacy Law. Mr. O’Hanlon received the National Best Oralist award in this competition.

The team placed third in the exam in many cases. But you risk disturbing, and thus alienating, your entire community. When in doubt, let your innate sense of niceness and the brain that got you into law school in the first place be your guides. We will all be the better for it.

GOOD LUCK WITH EXAMS!
By Robert B Gibson '95

On Thursday, October 20th, Peter Huber spoke at the sixth annual Telecommunications Policy Lecture at New York Law School. Mr. Huber received a Ph.D. from M.I.T., graduated from Harvard Law School and was a clerk on the United States Supreme Court. The title of his speech was "Divesting the Ministry of Love." The lecture was sponsored by the Communications Media Center and came about as a result of the hard work of Professor Michael Botein and his assistant Roberta Tasley.

Huber began the night in a truly Orwellian fashion by greeting the audience with a quote from George Orwell's novel, 1984:

To the future or to the past, to a time when thought is free, when men are different and do not live alone - to a time when truth exists and what is done cannot be undone.

From the age of uniformity, from the age of solitude, from the age of Big Brother, from the age of doublethink - greetings!

This opening comment set the tone for the rest of the evening. Huber, in the context of dismantling Orwell's grim view of the future, dazzled the crowd by speaking with eloquence:

Huber says, has led to the dissemination, rather than to the centralization, of information.

On the topic of government regulation, Huber drew a poignant analogy. He noted that on the day the AT&T Modification of Final Judgment (hereinafter MFJ) was handed down, the government dropped an antitrust suit against IBM. The MFJ was a consent decree entered into by AT&T in 1982 to settle an antitrust suit with the government. The MFJ allowed AT&T to retain its long distance telephone business but called for the divestiture of the local exchange carriers - which are now the seven Regional Bell Operating Companies. From that point, AT&T and IBM followed divergent paths. Despite the strictures of the MFJ, AT&T is still a major force in the telecommunications business by virtue of its 60% stake in the U.S. long-distance market. Further, AT&T recently acquired McCaw Cellular Communications (a major player in the U.S. cellular telephone market). Conversely, IBM has floundered since it was spared from the antitrust suit. Its stock price has tumbled and "Big Blue," who once offered the most job security in the corporate sector, has had massive layoffs.

Using this analogy, Huber, much like Orwell did in 1984, attempted to demonstrate the shortcomings of ubiquitous government control of the telecommunications industry. According to Huber, the attempted regulation of AT&T failed to open the long distance market to serious competition. Meanwhile, despite the failure to impose regulations on IBM, the computer industry produced new titans (e.g., Microsoft) who led to the weakening of the seemingly invincible IBM corporation. Mr. Huber's theory is that the best way to control a telecommunications giant is to allow the free market to deal with it rather than using government resources to impose regulations.

Many of the ideas expressed by Mr. Huber can be read in his upcoming novel Orwell's Revenge: The 1984 Palimpsest.

Good DNA...

Certifying that they have LDs, which must include a recommendation as to what accommodations would be appropriate. Based on these reports, accommodations are decided on a case-by-case basis: whether to give double-time, an extra hour, or some other variation on exams; large-print materials can be provided, though they can take a long time to photocopy; other students' notes may be collected then distributed to the students with disabilities; and there may be some policy regarding taping in the future (apparently, no professor has yet prevented a disabled student from taping, so the issue has not arisen).

The learning disabled students I have spoken with have generally agreed that the administration has been cooperative and helpful, although two of them said that problems have occurred in the past. Most LDs students feel that they are treated fairly, but that room for improvement exists. Several complained of having to "out" themselves as learning disabled to certain professors in order to get taping privileges, for instance, and felt that this violated both their privacy and exam anonymity. But Ms. Prigal pointed out that in those cases, the administration would have handled the problem without naming the students. She said that such a situation arise again, a student should talk to the administration, not the professor.

Someday, perhaps, more ways to make law school and its materials accessible to students with LDs will exist. Certainly, technological advances will permit for more legible books, computer-based assistance, and other methods of gaining the knowledge we all need to succeed in law school. Large-print law texts are not yet widely available, but perhaps publishers will become more aware of people's special needs and provide for them. In the meantime, we can all assist in the process by accepting others' differences and making the appropriate allowances; remember, it is not so long ago that people were denied admission to schools based on gender, religion, race, and class status. We now need to put aside our last vestiges of bigotry and allow the disabled the rights that the non-disabled enjoy.
New York City Snapshots
Photos by Katina Despas '97

Mounted Police in Washington Square Park

Bridge in Central Park

Central Park Pond

DECEMBER 1994
BLSA, LaLSA AND ALSA Reach Out to the High School Community: The 9th Annual Outreach Program

By Valerie Armstrong-Barrows '97

On November 18, 1994, the Black Law Student’s Association (BLSA), in conjunction with the Latino Law Student’s Association (LaLSA) and the Asian Law Student’s Association (ALSA), sponsored its ninth annual high school outreach program. Generally, the program stresses the importance of higher education for everyone. It also encourages those who are thinking about legal careers to pursue their goals. The program gives students a unique opportunity to attend law school classes and to ask questions of administrators, deans, and students.

The high school outreach program began in 1986 when BLSA, LaLSA and ALSA were one entity because of the small number of students from these cultural backgrounds in attendance at NYLS. The high school outreach program was developed under the auspices of BLSA’s National Organization’s Adopt-A-School Program. That year, 30 people attended from a handful of schools. This year, about 200 students, and twenty teachers and administrators from over twenty public and private high schools located in the five boroughs, Westchester county, and upstate New York participated.

The participants began arriving at 8:45 a.m. in large and small groups, eagerly anticipating the day’s events. Members of BLSA and LaLSA introduced the students to our school and made everyone feel welcome. The outreach program began with breakfast in the Steifel Reading Room and in A-900. Michelle Danvers Foust, together with Betty Rodriguez, the Evening Vice-President of LaLSA, gave welcoming remarks. In addition, the Dean of Student Affairs, Matthew Wilkes, gave a warm address to the students. He expressed his hope that they will contact him if they have any questions concerning the law school process. Carlos Tonche discussed the operation of the Office of Admissions and Rudy Elliot-Pugh talked about the Office of Financial Aid. They both left the students feeling less confused about the admittance and financial aspects of law school. The rest of the day was spent in informational sessions, lectures, and workshops led by a host of NYLS personalities.

The professors who participated in the program were Professors Chang, Cuevas, Blecker, Gordon-Reed, and Leonard. Alumni Charles Guria, and students Michelle Danvers Foust and Lino Solis also led classes and workshops. Many students volunteered, including Iris Springer, Betty Rodriguez, Valerie Armstrong-Barrows, Dodd Rusty Terry, Karen Rodriguez, Frances Ortiz, Joylette Hairston, Janine McQuilkin, an J Roberto Gil, Jr. The “courses” covered constitutional law, criminal law, ethics, property law, career planning, and sales contracts. All of the classes were lively, informative, and very well received by the students. However, two classes deserve particular mention.

First, Professor Blecker presented a fact pattern where Sally Careless and Sam Cruel were hanging out on a rooftop and throwing concrete. They hit and killed Innocent by mistake and injured Child after a deliberate attempt to hit someone else. Prof. Blecker then proceeded to teach an entire semester of Criminal Law in a forty minute class! The students intensely argued their points. It was amazing to see how quickly they picked up the concepts and forged ahead, finding issues and defenses.

Second, Charles Guria, a NYLS alumni and Counsel to the Chief of the Corruption Investigation Division of the Kings County District Attorney’s office, led a class on Ethics. Mr. Guria taught some basic principles of courtroom and defense ethics. After designating some students as attorneys, defendants and prosecutors, they began to actively role-play a trial scenario. The students were enthusiastic, completely enthralled with the law as it unfolded before their eyes. They could not believe the legal and ethical problems that occur when a defendant's right to testify clashes with the possibility of his attorney being held liable for perjury, when the attorney knows his client is going to lie.

Michelle Danvers Foust was very pleased with the turnout and the positive feedback from the participants. Many of the teachers from the various high schools expressed a desire to have our students and professors speak at their schools. Elisabeth Irwin High School students were so impressed that they are going to begin a Law School Association for High School Students. They asked Valerie Armstrong-Barrows to work with them setting up the program and assisting them in getting speakers for panel discussions. All of the schools expressed a desire to attend the program again.

Brian Solomon and Michelle Danvers Foust, BLSA members who coordinated the entire event, should be highly commended for this successful event.

Brian Solomon and Michelle Danvers Foust, BLSA members who coordinated the entire event, should be highly commended for this successful event.

CROSSW RD® Crossword

Edited by Stan Chess
Puzzle Created by Richard Silvestri

ACROSS
1 Hauler on the highway 41 State of agitation
25 Capacitance unit 42 Salmon tail?
10 "I Dream" (1967 hit) 43 Metallic mixture
14 Egg under neighbor 44 Beau feu?
15 Saad's neighbor 45 Mart or Mike
18 Football Hall of Famer Page 48 Quickly, quietly
27 "Ceilto" 50 Throughflag
29 Marmalade ingredient 51 Smith
30 Glistening 52 Winter Palace resident
33 City on the Brazos 56 Sleighting post
34 Derby prize 57 Sadie cavity
35 Steamed meat 58 Vicuna's habit
36 Fifteenth-century explorer 59 Proof
37 Jack Frost's profession? 60 Planet
38 Outquip actor 61 Nation (1987 film)
39 Dysle Show 62 The Stooges, e.g.
40 Prepared product 63 Now's partner
41 State of agitation 64 Goo all worked up
42 Salmon tail? 65 Celer censas?
43 Metallic mixture 66 Downtown?
44 Beau feu? 67 Stomp
45 Mart or Mike 68 Another kind of acid
48 Quickly, quietly 69 Smith,
50 Throughflag 70 Smith, perhaps
51 Smith 71 Stomp
52 Winter Palace resident 72 Vicuna's habit
56 Sleighting post 73 Proof
57 Sadie cavity 74 Planet
58 Vicuna's habit 75 Proof
61 Nation (1987 film) 76 Smith
62 The Stooges, e.g.
63 Now's partner 77 Smith, perhaps
64 Goo all worked up 78 Smith
65 Celer censas? 79 Smith
66 Downtown? 80 Smith
71 Stomp 81 Proof
80 Smith
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Don't Forget to Place that Message to your Sweetheart!

Deadline for Valentines: January 25!

See page 3 for form for Valentines

DECEMBER 1994
LALSA Reception

By Betty Rodriguez '97

"Celebrating a New Generation Of Legal Advocates" was the theme presented on the evening of November 2nd in the Stiefel Reading Room. On that Wednesday night the Latino Law Students Association of New York Law School (LaLSA), in conjunction with the Puerto Rican Legal Defense and Education Fund (PRLDEF), the Puerto Rican Bar Association (PRBA), and the Hispanic National Bar Association (HNBA) hosted the fourth annual Latino law student - attorney networking reception. Although the names of all these organizations may lead one to believe otherwise, the function was not limited to Latino or Puerto Rican students, but was open to the entire student body of NYLS.

This reception, celebrating its second year at NYLS, provided an excellent setting for law student networking. Students had an opportunity to meet practicing attorneys and judges who offered guidance, internship opportunities, and even resume referrals. Hofstra, Columbia, Cardozo, Brooklyn, Pace and St. John's were some of the other law schools represented that evening as well. Among the distinguished speakers were Manuel Delvalle, Chief Administrative Law Judge for the New York State Civil Rights Commission; Eduardo Padro, Civil Court Judge; and the presidents of the three sponsoring organizations: Juan Figueroa, President of PRLDEF; Ramon Cintron, President of PRBA; and Jose Luis Perez, Regional President of HNBA. The event provided a unique educational experience for both lawyers and students.

PRLDEF offers a program that pairs law students with an attorney or judge who works in the student's area of interest and serves as a mentor throughout the student's law school career. Students were given the opportunity to receive information on workshops designed to help them with legal research, case briefing, and exam taking techniques. For the upper-class students, PRLDEF offered workshops on resume writing/interview skills, Bar exam preparation, as well as an attorney fellowship program. PRBA, further, offered law students membership applications.

The highlight of the evening, came during the keynote speech delivered by Judge Eduardo Padro. Judge Padro urged the students to consider themselves as visionaries and policy makers, as well as agents of empowerment and social change. He urged Latino and minority students especially, always to consider what type of legacy they want to leave to future generations in their communities. He spoke of shaping the present while always having an eye towards the future, of giving back to our communities and of never taking the path of least resistance. I hope that everyone present took his advice to heart. However, for those of you who were not able to attend, LaLSA extends to you an early invitation to our 1995 reception.

Continued from page 13

Schoenbrod, and Ross Sandler, are planning a judicial speaker series. We are bringing in judges from across the country to see NYLS and regale us with some "Tales from the Bench." Second-year student Jay McGill works with us on developing a marketing plan for NYLS.

As far as jobs, this is obviously a difficult issue. Bottom line, every year we graduate about 400 students. Factor out 80 who for whatever reason, i.e. law review, moot court, personal connections, have a job offer waiting upon graduation. Also factor out most of the evening division who, while they want to switch into legal careers, have a steady paycheck coming in. This leaves us with 200-220 students graduating from NYLS with the specter of unemployment waiting to embrace them in its icy arms. If NYLS wants to continue to build, it needs to eradicate this statistic. How can the SBA do it? I just don't know. However, I do know this, it is unfair to lay all the blame on Career Services. By no means is the office perfect. Anyone who has used another law school's career service office can attest to that. It's wrong to attack Deborah Howard. I also know this, the cries of "NETWORK, NETWORK, NETWORK" falls upon deaf ears.

Q. What is the one thing you hope students will understand from reading this article?
A. I hope students understand the power of their own voices. All great vocal coaches will tell you to focus. I say to the students to focus their voices on their elected representatives. Make them accountable. You elected them, make sure the job is getting done, go to SBA Senate meetings, participate on committees, read the minutes on the SBA bulletin board. Use the chain of command to get things done. When I was a first year they told me that the grading curve would never be changed, the critics were wrong. Bottom line- Focus, Focus, Focus!!!

Q. What are your office hours each week?
A. SBA officers maintain office hours Monday through Thursday between 1:00 p.m. - 2:00 p.m. and 5:00 p.m. - 6:00 p.m. Students can also make appointments. Our office is in the lower level of the student center. L5, our phone number is 431-2125.

Answers for Crossword from Page 17

DECEMBER 1994
Power Breakfast

Athletics, entertainment, business, culture, and politics are the components of professional sports today. Paul Tagliabue, the National Football League Commissioner, was featured in the second of a series of breakfasts hosted by the Center for New York City Law here at New York Law School.

The Commissioner spoke on many different subjects, including the many changes that the NFL has undergone since its birth in 1920. In the early days of professional football, attendance was low and not everyone knew what the league did. It was so bad that former President Calvin Coolidge thought that the Chicago Bears, together with their legendary coach George Halas and player Red Grange, were an animal act.

Today, the NFL has become an integral part of our society, and the league even has a place in the Smithsonian Institute. Earlier this year, a pre-season game in Mexico drew the largest crowd ever to see a NFL game. Attendance was estimated at over 120,000.

In addition to the NFL's success, the Commissioner also has to deal with the day-to-day problems that regular business people face. The difference is that his organization is in the news almost every day.

Tagliabue defended the implementation of the NFL's salary cap by saying that every collective bargaining agreement has a salary cap. He said that the low end of the cap is 58% of revenue and the high end is 64%, and that labor laws require this flexibility. Tagliabue knows that the NFL is very high profile, and therefore their collective bargaining agreement received much public attention. All things considered, he sees a very profitable future in store for the NFL as it expands around the world. Although he admits that it is hard to export sports because of cultural and political differences between countries, he is confident about the game's reception abroad.

This bright future is allowing many people to profit in many different ways, especially merchandising. The NFL gets only 10% of its revenue from merchandising. Tagliabue did warn that if the gambling culture permeates football, it could ruin the sport.

The above are issues that Tagliabue and other sports commissioners have faced, and will continue to face, as time goes on. Hopefully they will all have the foresight and discretion to deal with these issues correctly. Who knows - we might be sitting next to a future professional sports commissioner right now.

The Official Guide To the Sports Work Stoppages of 1994

Commentary by Scott Goldstein '95

Previously, as an avid sports fan and reasonably diligent law school student, I had to strike a precarious balance between watching sports and doing my schoolwork. Generally, my priorities were in the right place; I watched sports. This year, I think I'm in for a particularly good semester. Every sport except for football is locked out, striking, or threatening to lock out or strike. So, while the multi-millionaire owners and players cry about how horribly they treat each other, I'm left without my lifelong passion - sports.

Others may not consider this a serious dilemma. They may say, "Great, now I can devote all my time to working on the SBA Senate," or "Wow, let me get to that Family Law reading that I have been putting off for months," or maybe even "Fantastic, now I can do all those errands my mom wanted me to do." Unfortunately, as a sports-crazed lunatic, I need the thrill of watching other people compete so I can live vicariously through them. For those people in my predicament, I have compiled a list of things to avoid in your quest to find alternative options while Bobby Bonilla loses $37,000 a day.

Don't #1 - Stay away from the great sport of lumberjacking

The other night, desperate for anything remotely resembling live televised competition, I turned on ESPN to find two men with immense beer guts chain-sawing their way to glory in a fierce lumberjacking matchup. The announcers were going wild and in 20 seconds, it was over. Somehow, I can understand why lumberjacking hasn't gone national.

Don't #2 - HBO isn't the answer.

Instead of sports, I turned to HBO to fill the entertainment void in my life. I felt that original feature films as well as some classics and current favorites would be enough for me. I think the turning point came as I watched Rocky II for the seventeenth time. I realized then that if you watch HBO enough, they run out of movies.

Don't #3 - Don't complain about your problems to someone who isn't a sports fan

Contrary to popular belief, a person cannot happily survive by only watching Beverly Hills 90210 and Melrose Place. These people just do not understand what torture it is for us sports fans to turn on Sportscenter at 11:30 and watch a half hour of reports on golf, motocross, and Jennifer Capriati. These people suggested that I relax, take a long, hot bath, listen to classical music, or seek professional help. All I know is that I need the high speed collisions of hockey and the crack of the baseball bat. I need nothing more to keep my sanity.

Don't #4 - Don't go to Atlantic City.

You'll never come back. What is there to come back to? You stay there on Saturday, watch college football in the bar, gamble all night, watch football in the bar on Sunday. Except for Monday night, there is no reason to go home. You will spend far too much time there, and lose far too much money. Don't go!

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DECEMBER 1994
WE MUST BE DOING SOMETHING RIGHT

This semester, more than anytime in recent history, there is a proliferation by other bar review courses of "BAR/BRI Bashing."

BAR/BRI is the overwhelming choice of New York bar candidates. (Last summer more than 5,600 of the 7,700 students who sat for the New York bar exam chose BAR/BRI.)

We have become the #1 course by promising a lot and delivering more.

Make an informed decision. Investigate. Self-serving "BAR/BRI Bashing" is not based on fact.

Ask students who took our course. They will tell you....