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New York Law School

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Faculty Launches New First Year Program

By Christopher Souris

This fall's class of new students are the first to experience major curriculum changes which have just been implemented. The changes include the creation of a new required course called Legal Methods and the shortening of traditional first year courses such as Torts, Property, and Civil Procedure.

The new program originated in the faculty Curriculum Committee several years ago and was approved by the full faculty in the spring of 1981. In doing so, New York Law School joins a number of other law schools, such as Columbia University Law School, which have adopted similar changes.

The major innovation is the addition of Legal Methods. This new course is designed to introduce in a more substantial and practical way the subject matter of law and the methodology of legal studies. The course should be of special practical assistance to those with no prior experience with law. But it is designed to benefit all students with its intensive and almost exclusively focus on legal methodology.

About one third of the Legal Methods course is presented during the first week of the semester when it convenes each day from morning until mid-afternoon. During the second week it drops down to two sessions of an hour and forty minutes each, and then drops down again to one session per week for the rest of the semester. Students will have thus received a substantial portion of the methodology course before they begin their substantive law courses in the second and third weeks of the semester.

During the first part of the course students receive an in-depth analysis of the methodology of common law development by, for example, examining a long line of cases in products liability. The second part of the course will introduce students to statutory interpretation.

At some point after the common law portion is over, an exam will be given in at least some of the class sections. A critique of the exam early in the semester will give students the opportunity to make necessary changes in studying or exam writing techniques before much time has passed in their substantive law courses.

The other major change in the curriculum involves Torts, Property, and Civil Procedure. These courses, formerly taught over two semesters, have been "streamlined" and are now four credit, single semester courses. Criminal Law, formerly given in the third semester, will now be taught in the second semester. In another change, first year students will be able to take an elective during their second semester. Consequently, students will be able to get exposure to public law or policy courses rather than exclusively concentrate on common law subjects during their first year. Another result of these changes is that fewer credit hours will be spent in required courses, thereby permitting students to take more courses of their own selection.

These changes are the result of the efforts of a group of younger faculty members.

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When I entered law school I knew from T.V. that the job world was tough. Dark suits, running for trains. But with my law degree and the help of the Placement Office, I thought the big jobs would be there. All I had to do was shake a few hands.

I was wrong. I sensed trouble when the job offers trickled in to only the top eight students in the class. After undergoing radical medical surgery I have realized that I was dreaming job fantasies.

Story on Page 5

PLACEMENT
BARS
MILITARY

By Walter Strong

The U.S. military and federal security agencies (FBI, CIA, NSA) have a vigorously enforced policy of excluding Lesbians and Gay men from service. Not only have these organizations declared that Gay people are not eligible for enlistment or employment, many service people and employees have been dismissed solely due to their sexual orientation—even when their sexual lives have remained entirely private. Disregarding the constitutional protections which theoretically extend to homosexuals as well, the courts have almost unanimously upheld such dismissals.

Over the past several years major law schools—including Harvard, Yale, Columbia, New York University, the University of California at Los Angeles and Wayne State University—have banned on-campus recruitment by organizations that discriminate on the basis of sexual orientation. The military and secret services have consequently been denied access to campus...

The fact that the Supreme Court decided the issue this summer does not appease some of the complaining students, who maintain that the issue was well defined before the decision. An editor on the Ohio State Law Review who was apprised of the situation stated that her review would have withdrawn the question.

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Supreme Court Resolves Top Issues

By Robert Montgomery

While law students begin to ponder classroom hypotheticals this fall, a deeply divided Supreme Court will be reviving up to decide a record number of cases. Last term the Court heard 184 out of 5178 cases appealed to them and issued 143 full opinions, an increase of 20 from the previous year. The Justices dashed off 27 opinions in the last week to finish their work load before the traditional July 4th recess.

A sharp division splits the Supreme Court last term, as indicated by the large number of 5-4 decisions. There were 35 cases decided by the one-vote margin, up from 17 in the previous term. Among the split decisions were those holding that the President of the United States is absolutely immune from civil suit for illegal or unconstitutional acts committed in his term, that illegal alien children are entitled to a free public education, that male students can not be barred from a state-run school of nursing, and that the Constitution limits the discretion of school boards to remove books from school libraries.

The Court was especially divvied over criminal cases, voting 5-4 or 4-4 on seven of 29 challenging decisions, including the term's two death penalty cases.

Clearly the greatest influence affecting the Court last term was the introduction of Sandra Day O'Connor to the Bench. She consolidated the Court's conservative block, voting most often in tandem with Chief Justice Warren E. Burger and William Rehnquist. The trio signed the same opinion in 62 of the 84 cases in which they all participated. Many analysts caution that Justice O'Connor has been assertive and aggressive on the Bench and will remain loyal to her own conscience rather than to those of Burger and Rehnquist.

The Court's most liberal members, Associate Justice Brennan Jr. and Thurgood Marshall, remained equally cohesive in their voting. They voted alike in 132 out of the 141 cases in which they both participated.

The following is a summary of the noteworthy cases of the Supreme Court's 1981-82 term.

CIVIL RIGHTS

Besides the illegal alien case, Piper v. Doe, the most important constitutional ruling in this area was a decision that circumstantial evidence, rather than a so-called smoking gun, is sufficient to prove intentional discrimination in a voting rights case. The case, Rogers v. Lodge, will have, limited practical impact since Congress recently amended the Voting Rights Act of 1965 to remove the intent requirement.

The Court invalidated Alabama's plan for distributing its oil revenue windfall according to the duration of residence (Zobel v. Williams).

The Court held that individuals who bring damage suits against state officials or agencies for civil rights violations may go directly to federal court without exhausting administrative remedies in state court (Potts v. Board of Regents).

The Court held that United States subsidiaries of Japanese corporations are bound by federal law not to discriminate on the basis of sex, race or national origin.

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STUDENT ABA MEMBERSHIP

The Law Student Division of the American Bar Association (ABA/LSD) is the largest professional student organization in the nation. The Law Student Division has 45,000 members attending ABA-approved law schools across the nation and growing each year.

The annual membership fee for the Law Student Division is $8.00. Some of the tangible benefits you receive with your ABA/LSD membership include:

- Nine month subscription to the Student Lawyer
- One year subscription to the ABA Journal—the most widely read publication in the legal profession
- Eligibility for low cost Major Medical Insurance
- 50% Discount on the Preliminary Multistate Bar Review Course
- First year membership in the ABA upon graduation and admission to the Bar

Reduced Section Rates

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For more information, contact the ABA/LSD office or the Advocate office, or the ABA/LSD office for further information.

Sen. Packwood (left) filibuster continues to delay final vote on Sen. Helms' (right) bill.

Helms Forces Vote on New Right Agenda

By Christopher Souris

Portions of the long-anticipated New Right "social agenda" made their way to the floor of the United States Senate during the last week of Congress' Labor Day recess. Senator Jesse Helms (R.N.C.), first introduced his Human Life Statute as an amendment to the debt ceiling bill and in a surprise move later introduced his bill concerning school prayer.

The Human Life Statute has taken various forms over the years. While it has always included provisions which would declare that human life for the purposes of the Fourteenth Amendment begins at conception, the authors of the statute have also attempted to remove permanently all federal financial involvement in abortion and limit the jurisdiction of federal courts regarding state restrictions of abortion rights.

This controversial bill is aimed primarily at overturning by statute the Supreme Court's decision in Roe v. Wade. Many constitutional scholars, including ardent critics of Roe, believe that this method of legis­lative reversal of Court decisions is unconstitutional. It would also make permanent and absolute the Medicaid funding restrictions which have been enacted on a yearly basis as the Hyde Amendment.

The school prayer bill which Senator Helms introduced would remove the jurisdic­tion of both Supreme and lower federal courts over claims arising under the Constitu­tion concerning state action involving prayer in public schools.

Senator Helms' efforts to enact these bills met with stiff resistance, notably from members of his own party. As soon as Helms introduced his amendment, Senator Robert Packwood (R.Or.) seized the floor and began a filibuster by reading aloud from a book on the history of abortion in America. When the Congress returns after its Labor Day recess these matters will be taken up again.

New York Law School students have been actively involved in efforts to defeat the Helms bill and others like it. Last spring a station wagon full of NYLS students traveled down to Washington to lobby against the Helms Statute and Senator Hatch's proposed constitutional amendment against abortion. They went with members of Lawyers Pro Choice, a New York based group with a growing nationwide membership which is politically involved in the efforts to defeat such anti-abortion measures. Students interested in participating in those ongoing efforts should contact the Advocate office or the L.A.W. office for further information.
U.N. Freeze Bid Fails

By Will Hart

The Special Session on Disarmament, held in June and July at the United Na­tions, failed to attain most of its objectives. The chances of nuclear deten­tion were not lessened by the Special Session (SSD II) and the world continues spending $1,000,000 every minute on military expen­sures. No comprehensive program for disarmament was reached during the SSD II; only frustration on the part of the partici­pants and growing concern on the part of the public resulted.

Many delegates had hoped that the SSD would be able to draft a Comprehensive Program on Disarmament and to review and implement the final document of the 1st Special Session on Disarmament, held in 1978. But because of a lack of political will on the part of the 5 nuclear powers and continuing reluctance on the part of non-nuclear countries and the countries of the Warsaw Pact, none of the prescriptions of SSD I have been implemented. The Final Report of the SSD II has referred the draft of the Comprehensive Disarmament Program back to the Committee for Disarmament (CD), which will resume sessions in Geneva in August. The CD, a multilateral, dis­armament negotiating forum with close ties to the U.N., bears the burden of all of the major substantive issues left unresol­ved by the SSD II.

The major achievement of the SSD II is a draft guideline for the implementation of a World Disarmament Campaign. The June 12th Rally and the unilateral announce­ment by the Soviet Union that it would not be the first to use nuclear weapons, were the other major accomplishments of the SSD II, according to members of the Editorial Advisory Board of Disarmament Times, a newspaper published by CD.

Modest estimates give 750,000 as the number of people who participated in the June 12th Rally for a Nuclear Freeze, held in New York City. The mobilization of public support for a halt to the arms race and the massive coverage by the media of the Rally should impress upon world leaders the growing demand for peace. On June 14, 1,700 persons participated in civil dis­obedience at the missions of the 5 nuclear weapon states. The fact that the nuclear freeze issue is expected to be on the ballot in 8 to 12 states in the U.S., where 20 to 30 percent of the American people are con­centrated, shows that the peace movement is cutting across every sector of society. Senator Kennedy proposed, in a speech be­fore the SSD II, a U.S.-U.S.S.R. bilateral freeze and in Washington, on June 23, the House of Representatives' Foreign Affairs Committee endorsed a nuclear freeze.

Many heads of state gave speeches at the SSD, including President Reagan, Prime Minister Thatcher and Prime Minister Be­gin. In his June 17 address before the Ple­nary Session, President Reagan stressed the need for a renewal of U.S. military strength, "that had fallen dangerously low." Only one new substantive proposal was made by Reagan, that of an interna­tional conference on military expenditures. His proposals for arms limitations focused on land based missiles; this, Soviet Foreign Minister Gromyko pointed out in his speech on June 15, is an area in which the Soviet Union already has the advantage, relative to the U.S. Reagan made no mention of reductions in strategic bombers or cruise missiles, areas where the U.S. has superi­ority.

The responsibility for the continuation and escalation of the arms race lies primarily with the U.S. and the U.S.S.R. President Reagan's speech showed his commit­ment to a policy of deterrence through arms buildup. Supported by Great Britain, the U.S. blocked the passage of a Test Ban Treaty. While Soviet Communist Party Chairman Brezhnev has called for a quanti­tative freeze on arms production, the So­viet Union has shown no interest in a compre­hensive nuclear freeze or a Test Ban Treaty and has denied the World Disarma­ment Campaign access to the Soviet public. Many governments, especially the non­aligned nations, are firmly committed to disarmament. Japan's delegate reaffirmed its agreement not to possess, produce, nor to introduce nuclear weapons into Japan. Sweden and Mexico announced policies of nuclear freeze in their countries.

The SSD II was essentially as Homer Jack (Secretary-General of the World Con­ference on Religion and Peace) called it, "an unmitigated failure." Its failure has largely to do with, he suggests, the inabil­ity of the U.N. "to handle the super pow­ers." But if public support for a nuclear freeze continues to put moral pressure on political leaders to enact disarmament mea­sures, the failure of the SSD II needn't be seen as a harbinger for World War III. The politics and bureaucratic red tape that stifled the SSD II have not yet succeeded in causing the atrophy of the disarmament movement. Douglas Roche, International President of Parliament for World Order (in an interview with Disarmament Times) said, "I don't think that it's SSD II futile. I believe that we're learning to live in a new age, an age of transformation, and we should not expect so easily resolutions on life in a global community when our tech­nology is far ahead of our morality and political structures."
Library Draws Mixed Reaction

By Andrew Lupu

New York Law School students are witnessing some significant changes in the arrangement and management of the library.

The changes and improvements were proposed by the new Head Librarian, Professor Roy Mersky. Professor Mersky, a visiting librarian on sabbatical for an indefinite period from the University of Texas Law School, fills the vacancy left by Andrew Simak. Professor Mersky's credentials are exemplary. They include administrative experience at various law libraries across the country and the authorship of many scholarly publications, such as the first-year text, *Fundamentals of Legal Research* by Jacobstein and Mersky.

Professor Mersky asserts that it is his intention to make the library more accessible and to increase the library's services so that a more rewarding legal education will be provided.

One of the first changes that he has made has been to bring the reference desk and reference materials from the ninth to the first floor. As a result of this move, the New York Reporters previously housed on the first floor have been transferred to the basement. Another noticeable change has been the closing of the entranceway to the library from Building A and the subsequent opening of a new main entrance through a previously sealed door in Building B.

The eighth floor space which previously housed the three offices of the Technical Services branch and the Lexis room has been converted into Professor Mersky's private office. The Lexis facilities now occupy a small office in the Froessel library. Technical Services has been moved to a partitioned space which takes over one-third of the ninth floor. As a result of this move, fewer carrels on the ninth floor have been realigned.

Professor Mersky has also promised the addition of study tables in the Froessel Library, as well as four tables on each floor of the B Building library. These changes are claimed to provide additional seating for 70 students.

Reaction to these changes is mixed. The movement of the reference desk from the ninth to the first floor appears to be a successful innovation. Similarly, the placement of the LEXIS machine on the last floor will offer access to more students.

Yet, some of these hastily made alterations are simply superficial attempts to relieve the problem of overcrowding. The 70 additional seats in B Building, for example, create more seating, but crowd more people into the same space. The realignment of shelves and services on the ninth floor has in fact eliminated study space. Similarly, the overcrowding has been exacerbated by the increase in personal office space taken by the head librarian.

Other changes may create more confusion and noise than already exist in the library. For instance, shifting the reference desk and the LEXIS machine to the same section of the library will create congestion. It remains to be seen whether sealing the doorway to the Froessel Library will create a tangible improvement. It will relieve congestion previously caused by the overlap of students going to and from the library's main floor and students going to and from classes, but as a result students will be forced to venture outdoors when travelling between the two main floors of the library and sections of the library and classrooms located on other floors.

Further, the traffic which now pass through Building B may be just as disturbing to students studying there as the overlap was before. The ninth floor study area, will now be subject to the sound of ringing telephones and typing emanating from the technical services branch.

Professor Mersky considers the physical changes to be ancillary to the acquisitions that he plans in service department and study collections. He is exploring the possibility of joining together with other law libraries both institutional and private, so as to expand our aggregate collections and utilize our financial resources more effectively. He plans to add full-time staff to instruct students in the new Westlaw system. In addition, he is initiating a program of guided tours and audio-visual guides to make the library more convenient.

A rumor is presently circulating that another acquisition of the library is a chauffeur driven limousine for Mersky's personal use. Professor Mersky denies the rumor, but acknowledges that the library now has the use of a car and driver to carry out library business.

In accordance with Mersky's belief that a school's reputation is reflected in the conduct and attitude of its employees, he has issued new rules for the work study staff. A dress code is now in effect to prevent library employees from dressing as though they were "working out at a gym." Also, in the interest of "presentability," students will no longer be permitted to study on the job. Mersky expects that the conscientiousness of the employees will be increased by this prohibition and that service will thereby be improved. This new policy could cut seriously into the time available to work-study students for study. The imposition of the new no-study rule will place students dependent on work-study for financial assistance at a serious disadvantage with students affluent enough to forgo work while attending law school.

One of the greatest criticisms of Mersky's changes has been the total lack of student input in formulating plans for the library. Certainly, had student input been solicited, many of the problems that were created could have been avoided. However, needed changes in the library have been made since Mersky's arrival, and sincere attempts at improvement have been undertaken by the administration. It remains to be seen whether the end results will benefit the student body.
Hunting Season
OPEN at NYLS

continued from page 1

By Bob Montgomery

Generally, the first or second year student has no idea what kind of job he or she wants. He relies heavily on the placement office to provide a well rounded exposure to the job market. Expecting interviews and contacts with influential persons, the average rookie is shocked to discover that the placement office to provide a well rounded exposure to government agencies recruited a total of only six students from NYLS interviews.

This fall almost two thirds of those firms and agencies refused to return to the school. Part of the reason, says Carol Kanarek, Placement Director, is that the large firms did not find what they wanted last year. Additional factors are the general recession in business, the glut in law firms and corporations, and twenty-five government agencies recruited a total of only six students from NYLS interviews.

There are three steps in a successful job hunt. First, make contacts with the profession. The first year student can track his prey successfully with the Innocent Approach: be or she writes an attorney, asking for a few minutes to talk about his job. By establishing contacts through NYLS alumni, undergraduates, A.B.A. panels, court visits, agencies, teachers, symposia, luncheons, and work experience, the student job hunter has the opportunity to meet, hear, or read about particular attorneys. He can make a note of this in an introductory letter to this person. A follow-up phone call may then bring results.

Second, narrow the search to a few areas of particular interest. Through intelligent analysis of why you are in law school and what type of work atmosphere you want, you can aim for particular jobs.

Pursuing specific job goals is highly successful, according to Kanarek. She notes that many law students erroneously believe that by focusing they shut out options. In fact, lawyers change jobs an average of six times in their careers.

Third, broaden the horizons of the search. The right opportunity may exist outside the city. The student's quest can be nationwide and involve non-traditional legal fields.

The Placement Office reiterates what many are afraid to admit: The best connections are found in the course of activity in the field. Involvement in student organizations, work-study positions, and (God forbid) voluntary situations increases contacts, focuses interests and expands horizons. Every effort made now will reduce the effort needed after the bar exam.

The Placement Office also holds seminars on legal practice where attorneys and students share their experiences. The office will assist in drafting resumes and cover letters as well. And if all else fails, the Office will help the students find a job long after they have acquired an "Esq." after their names. A new bulletin board has been erected in Gil's to notify students of forthcoming activities.

The seasoned hunter knows that great skill and perseverance are essential in getting the kind of job trophy you want to hang on your wall.
Setting High Standards

To paraphrase a great man, and an editor of Law Review, the semblance of justice is as important as its reality. Yet the editors of Law Review, International Law Journal and Human Rights have met the recent crisis of confidence in their writing competition with intransigence. The rules and manner by which the writing competitions are conducted are designed to foster a feeling of fairness in judgment and equality in treatment among participants. By refusing to withdraw or alter the subject of the writing competition upon learning that twenty of the contestants had previously written on substantially the same question, those responsible for the competition planted the seeds of discontent among many participants who feel that others have an unfair advantage.

There is a question as to whether any real advantage will be gained by students with the perceived head start, or whether such an advantage is only illusory. Though the Supreme Court has, since last spring, come down with its decision on the issue, and contestants are being asked to write in a significantly different way than they were in their legal writing classes, some students will have the advantage of familiarity and previous criticism on their handling of the subject. However, the problem the journal editors face is one of confidence.

Great effort was expended to insure the secrecy of the topic before release of the contest packets and to insure that all contestants have equal time and materials from which to work. The absence of meaningful action in the face of a substantial breach of these conditions has cast doubt on the entire procedure by which the contest is run. By refusing to withdraw or alter the subject of the writing competition upon learning that twenty of the contestants had previously written on substantially the same question, those responsible for the competition planted the seeds of disrespect among many participants who feel that others have an unfair advantage.

Letters

For Grade Review

To the Editor and students,

I would like to take this opportunity to publicize my situation and my action with regard to it.

I was a first year student last year who had less than a 2.0 cumulative average and who “at the discretion of the Academic Status Committee” was dismissed. I took the stand at the ASC meeting that the grades I received—most notably an F in Contracts I with Professor Dungan and a D in Property II with Professor Epstein—were nothing less than off-base. I persisted in my efforts to sway the discussion to the real issue only to be told that the ASC had the more narrow function of looking for extenuating circumstances.

The administration has vehemently opposed my request for grade review using rhetoric of “academic freedom” even when Professor Epstein felt no such intimidation.

I am now preparing to persuade a more reluctant faculty that it is time for the first step in grade reform at New York Law School. The proposal which will be before the faculty at their September 20th meeting is that a student who is subject to dismissal as a result of having less than a 2.0 cumulative average should have the right to a grade review of those courses in which he or she received a grade of C- or lower.

I need your support. I am not only up against a reluctant faculty but an insensitive administration. The administration needs to be shown that the arbitrariness of the present grading system is felt across the whole student body and is not the “sour grapes” reaction of the few who are dismissed. Specifically, I ask that if you or someone you know has been dismissed that you get in touch with me (875-7895 or leave message at the L.A.W. office). Also, as I have decided to petition the administration as well as present the proposal to the faculty, please consider signing the petition. One copy of the petition including my proposal for grade review will be posted on the door of the L.A.W. office on the second floor of 79 Worth Street. Thank you.

Nancy Klaips

Winter On Worth Street

Student Orgs Move Out

To the Editor:

The black perforated flag buffeted in the wind above the rear and smoke of heavy traffic, “DEALS—DEALS—DEALS,” what kind of deal put us here I thought. When I returned from my summer vacation that letter was waiting for me. My office was empty, just the graffiti on the walls and the phone on the floor. The dial-tone echoed from the walls as I picked up the receiver. “You’ve been moved,” they said, “down the street above the copy-shop.” Premature evacuation, I remember brooding, as I closed that door for the last time.

It’s not so bad up here for me, I’ve been a loner, an outcast I guess, most of my life. It’s the others I think about, the ones that lost everything. Some of those poor chumps were left without even a desk, let alone a place to put it. I’ve seen some of them, standing there with stupid smiles on their faces like abandoned lovers waiting at a railroad station. And then there are those who seem cheerful enough, trying to forget the ones they had to leave behind. No one ever sees them anymore, no one even knows where to find them. But the winter wind, when it comes, will crack their masks soon enough. It’s cold on Worth Street.

S. Spade
The Law Unto Yourself

By Alice DeVoe

Welcome to NYLS.

To those first year students who thought that they had enrolled in NYU—so sorry to break the news so bluntly. Delusions of grandeur will be shattered the first time you recite in class.

To those gallant ones returning to the slaughter for yet another term of intellectual stimulation—all that needs to be said is that someone painted over the sea gulls in Glit’s Blue.

Finding the pitfalls of the first year is largely a matter of individual interpretation. Surviving those pitfalls, however, is a matter of common concern.

Surviving This Place does not rest on the adage of "If it all depends on what you put into it," i.e., the number of hours in the Library. Survival involves getting the most out of every possible situation. Experience and knowledge are just hanging on the walls of NYLS getting as dusty as the copy of Justice Douglas’ biography. Surviving those pitfalls, however, is a matter of understanding how people operate when all is said and done. We all try to walk around in someone else’s shoes, but we still have on our own socks.

Specifically, Law is people with problems. A lawyer must understand people both with and without problems. How can one solve people’s problems if one does not understand how people operate when all is well?

It’s like trying to learn the General Rule by studying the exceptions.

Now, where to find the General Rule? Ah, as your professors will say, where do you look? And this question is properly hit hard right back to you. You become your own General Rule. How can it be otherwise? We all try to walk around in someone else’s shoes, but we still have on our own socks.

A lawyer’s skill is in communicating a sense of self in biography, in forging a working relationship with all the “exceptions” floating around. And how can one communicate his position to another unless he knows exactly where he stands. Once a starting point is established, problem solving is easy. There is always an Answer.

So the study of The Law becomes a study of one’s self. Unless every law student has a published biography, finding one’s self cannot be found entirely in books. While book knowledge is invaluable, your own immediate mental health and the success of your future clients depend upon experiencing the law school. Law school is not a test of how much of yourself you can kill by studying all night. Rather, law school is a laboratory in which you can continue to develop yourself.

So the next bright sunny day, take a ride on the Staten Island Ferry and live a little.

Wet Briefs

By Donna Lieberman

"Helms and Eastman Hatch a Bill" (Not to be confused with the popular children’s book Horton Hatches on Egg)

The "Wally" bill, as it has been nicknamed, would give Supreme Court Justice William Rehnquist five votes to the traditional one on all issues coming before the court. The "Wally’s" sponsors feel that the additional votes are justified by Justice Rehnquist’s status as the “Supreme Court Justice who is most often right.”

Senator Helms, who drafted "Wally,” seems to be rallying after the defeat of his last attempt at legislation. That proposal, as readers may recall, would have eased the Supreme Court’s caseload by eliminating the Court’s authority to hear cases involving constitutional amendments one through fifteen.

Senator Helms is campaigning vigorously for the passage of his new bill, and hopes to carry it through the next session of Congress.* If he is successful, the altered vote distribution would be effective retroactively.

"The Toxic Waste Encouragement Bill"

Heeding the President’s admonition that governmental restrictions are bad for business, this bill would formerly abolish the Environmental Protection Agency. In an unprecedented show of support for such a move, the State of New Jersey has already announced plans for a gala “Toxic Waste Week.”

Linguistic purists in both Houses of Congress are also lobbying for a referendum that would strike the word ‘environment’ wherever it appears in government publications, and prohibit its use in the future. As one lobbyist put it, "This nation simply cannot afford to spend its time, money and ink on an idea whose time has gone.”

Association of Missile Owners v. the United States (Slated to be argued before the Supreme Court during its October ‘82 term)

This controversy was sparked by Congressional concern over the increasing number of Americans keeping Trident missiles as pets. The Congressional response was to require that privately owned Tridents be registered with a federal agency created for that purpose. The Association of Missile Owners (AMO) brought this action to challenge the constitutionality of such a registration requirement.

Attorneys for AMO argue that government mandated registration places an impermissible burden on the citizen’s right to bear arms. Government counsel will attempt to defend the claim by drawing a parallel between the registration of Tridents and the registration of dogs and cats.

The case promises to be of special interest to Constitutional scholars, some of whom foresee the development of a new trend in fundamental rights doctrine—a fundamental right to keep weapons as pets.

Gold Diggers ‘82

By Andrea Coleman

It is with sadness, not conceal, that I inform you of the importance of this article. It is important because it regards financial aid, and because many students at New York Law School are in need, if not in receipt, of financial aid. About 88% of students have taken out loans. The purpose, therefore, is to mention some of the options available to such students.

First of all, the school itself does out aid in the form of scholarships and work-study jobs, the latter funded by the Federal Government. The school’s application for aid is the GAPSFAS, and a list of deadlines for filling out these forms can be found at a table and bulletin board at the corner of the student lounge. Another is the financial aid office at 47 Worth. Also found at this table are applications for TAP grants (from $100-$800 per academic year and available to resident students only) and information of general interest to financially needy students.

There is a list of New York and New Jersey banks participating in the recently instituted ALAS and PLUS programs (loan programs allowing graduate students to borrow up to $3,000, per year at 14% interest, with deferment of the principal, but not interest, while enrolled in school full-time). And for those thinking ahead to that dark day when loan repayment will commence, there is a notice about Sallie Mae, the service that consolidates loans and extends payment.

The preceding information is probably familiar. What students might not know, however, is that outside sources of aid are available. The Financial Aid Office has a binder, appropriately entitled “Outside Sources of Aid,” which contains a good number of loan and scholarship possibilities for students with particular qualities or interests. Some bar associations offer assistance to students in order to lure them to practice in their exotic jurisdictions (Alaska, for example). Other groups give aid to persons of particular religions, nationalities, or gender. Others give assistance to those wishing to pursue a particular field of law.
Yoga Potential

By Will Hart

The Editors have suggested that I write a column on yoga, health and nutrition. I'm delighted with the chance to share what I know about these subjects because they are extremely beneficial to body and mind and complement the study of law.

I was told by my yoga teacher to study yoga in order to be able to sit for sustained periods of time in meditation. He had perceived that restlessness was preventing me from working to my fullest potential. This applies to studying as well. Sitting still was so difficult for me that I always had trouble as a student. The secret is to be relaxed so that you can give your work your full attention without tension.

In B.K.S. Iyengar's Light on Yoga, the author describes yoga as a "timeless, pragmatic science evolved over thousands of years, dealing with the physical, moral, mental and spiritual well-being of man as a whole."

Yoga, meditation, and a vegetarian diet allows one to be "light" and to live harmoniously with balance, health, and peace of mind. This may seem impossible or even counter-productive to the study of law (tension always seems to accompany law), but I assure you that it can help immeasurably with every aspect of legal studies.

Yoga is ideal for building strength, endurance, concentration and a tranquil mind. Because there is so much tension at law school, yoga is an indispensable complement to study.

Yoga eliminates tension and unlocks blocked energy by clearing the body of toxins and obstructions in the digestive and circulatory systems. It also fosters steadiness and confidence. Yoga "means the disciplining of the intellect, the mind, the emotions, the will... it means a poise of the soul which enables one to look at life in all its aspects evenly." (Iyengar).

I hope to be able to convince some of you to take either the yoga class offered here at the school or a class at one of the many yoga centers in the city. You'll find it different from any other exercise you've done.

After an hour of yoga you will feel invigorated, fresh, calm, and even high. The first class that I took convinced me. We ended the session with a deep relaxation during which I fell into a sleepy dream state (yoga nidra).

Gradually, as you continue practicing yoga you will learn to eliminate tension before it settles in the body. Yoga will keep both body and mind flexible and will improve your attitude toward law school and life in general.

The author has studied at the Jain Meditation International Center with the Jain master, Muni Shree Chitrabhanu, and has practiced Jain meditation and hatha yoga for four years. In the Winter of 1981 he completed a five week course in yoga teacher training with Beryl Bender and has taught yoga at NYLS since Spring 1981. He has also taught yoga at Jack LaLanne and at the Jain Meditation International Center. In June of this year he was certified to teach Jain meditation after participating in an intensive course with Shree Chitrabhanu.

Potentials

The Editors have suggested that I write a column on yoga, health and nutrition. I'm delighted with the chance to share what I know about these subjects because they are extremely beneficial to body and mind and complement the study of law.

It is felt that any advantage gained by this minority of second year students is compounded by the constitutional nature of the issue itself. Because second year students have not had constitutional law, the argument goes, only those who were assigned the problem previously and, to some degree, third year students, will have any knowledge of how to approach the topic.

Vinnie points out that similar complaints about an unfair advantage gained by third year students, because of the constitutional subject matter of the competition, arose last year and were taken into consideration this year. However, the editors decided to go ahead with the topic because they feel that their emphasis on writing style negates any advantage gleaned by those who know the subject.

Vinnie asserts that while the issue is the same, distinctions in the requirements of the assignment remain, and no unfair advantage is created. Because the Supreme Court decision addressing the issue, Doe v. Plyler, was decided last summer after the last competition, and because competitions were over, the Law Review will be looking for how the student analyzes Supreme Court precedent. Further, while the first year brief was similar to a format described by the lab instructor, Law Review candidates concentrate on style and a different kind of analysis; that of the case comment consisting of case holding, analysis, and conclusion. Finally the contestant is supplied a packet which limits the materials that may be used to analyze the topic. No outside materials are to be used, and no outside research may be done. Any evidence that an appellate brief or outside materials were used would disqualify the writer, according to Vinnie.

Vinnie emphasizes that he and other members of the journal staffs have made a concerted effort to talk to students who have questions about the topic selection and allay their fears. Since the contest is geared to the quality of writing, he feels familiarity with the subject matter will not make an appreciable difference. "If the person is a good writer, it will come through," and if not, a month of work will not make a difference.

Dean Bearn has determined that the administration will leave the matter in the hands of the journal staffs. She noted that she did not become aware of the problem until Sept. 1st, one week after the packets were issued. The editors of the journals, she trusts, will "take all factors into consideration."

While it was not clear as of the writing of this article precisely how this matter would be taken into consideration when the submissions are evaluated, the editors have made the decision not to withdraw the topic.
Garp Lives

By Charlie Sanders

Jesus of Nazareth died at age 33. Shelley, Keats, Mozart, and Charlie Parker, the same. And too, by no mere coincidence, T. S. Garp.

John Irving’s sprawling epic warehouse of a novel, The World According to Garp, has been tackled, directed, and committed to film by director George Roy Hill, and the result is excellent cinema. It is especially refreshing after witnessing Hollywood’s butchering of recent “popular” novels, most notably Semi-Tough and The Onion Field, to finally see a film which comes close to capturing the flavor of the novel from which it springs.

Hill has done a masterful job in casting the film, and his thematic use of flying, a minor point in the novel, as a device to tie the film together works well. His use of symbolism and foreshadowing throughout the film is also artistically appealing.

Robin Williams is convincing as Garp, a surprise to many who feared that his choice for the lead would doom the film to a “television mentality.” Williams leaves the sit­come behind in giving life to this juicy role, creating a character with as much emotion and appeal but with far more depth and complexity than his “Mork.”

The real star of the film, though, is Glenn Close, who excels as Jenny Fields. Her anonymity as a film actress allows Close the luxury of infusing her own personality with that of her character. Close is excell­ent as Garp’s demure, winning, and lovably overprotective mother.

In another sterling performance, John Lithgow plays Roberta Muldoon, a 250 pound former tight end for the Philadelphia Eagles turned transsexual bodyguard for feminist nurse, Jenny Fields. Lithgow is superb in a role which easily could have been contorted into a gross caricature of Rene Richards. Instead, Muldoon is sensitive, believable, and central character suspended in a bizarre world filled with people living “complicated lives.”

The performances of the child actors who appear as young Garp and as Garp’s off­spring, Duncan and Walt are also credible.

“The World According to Garp” is the story of a life. It is comedy, and it is tragedy. It is the tale of a man conceived during his mother’s only sexual encounter as she takes advantage of an unconscious, dying tal­liguiter in an army hospital. It is the story of a parent and talented writer searching for fame but who instead is castadpated into instant notoriety by his mother’s only literary exploit. There are humorous and there are tragic conse­quences. _

not. In the novel, the reader is informed of Roberta Muldoon’s uneventful demise with the metaphor, “Old number ninety has dropped the ball.” In the film, the viewer is blown out of his seat by the killing of Jenny Fields in a scene reminiscent of nearby a dozen real life assassinations we have agonized over in the past twenty years. The National Rifle Association is not likely to award “Garp” with their “Moral Award.”

“The World According to Garp,” however, is a film about life, and it will elicit a panoply of emotions from most viewers. This is a welcome change from the outer­space computer driven spewing out of Hol­lywood in gishers. “Garp” is a film well worth seeing, as well as a book well worth reading.

Robin Williams as Garp “with far more depth and complexity than his ‘Mork.’”

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National Lawyers Guild

By Lou Spinelli

The Guild is a national organization of progressive legal workers, law students, and jailhouse lawyers. It recognizes that the law is often an instrument of racial, sexual, and class oppression rather than an agent of social change. It is dedicated to the development of methods by which we can effectively function within the legal system and work toward fundamental economic and social change. ("42 Years of Guild History" is available at the chapter office.)

The NYLS Lawyers Guild chapter was organized seven years ago and is the first successful chapter in the school's history. Since that time the chapter has continued to grow and take roots as a permanent feature of NYLS student life. Our principle strength lies in our ability to work together, as individuals and with other groups.

At the outset of last year, we found ourselves on a campus which had accepted US military recruiters and were allowing them to use our facilities to interview students. The Guild, with other groups, moved to stop this practice. While we were unable to stop last year's intrusion, we did gain a promise that in the future these recruiters would be told to arrange space elsewhere.

We sponsored what we thought were relevant and timely presentations. The first, a political trial symposium, was led by William M. Kunstler, a defense attorney who is affiliated with the Center for Constitutional Studies. The 2nd, a showing of "El Salvadorean Summer Vietnam," was held during the week previous to the March 28 election in El Salvador. Robert Armstrong, director of the North American Council on Latin America, presented an analysis of the elections within the context of US support for military regimes in Central America. The popular media consistently distort the facts surrounding these issues; our chapter has sought to expose the stereotypical approach to additional facts and alternate analysis.

The NYLS chapter believes that strong ties to the Guild network, especially alumni of NYLS, are crucial to our survival and growth within the law school environment. Jeff Smith, an alum of NYLS, took time out to address a membership reception for last year evening students, the 1st held at NYLS. It was helpful and encouraging.

The chapter plans to continue to work toward greater student participation at the same time that we are trying to increase our own membership. We are trying to encourage increased membership in all student organizations.

Army Off-Limits

facilities for recruitment purposes. Last year, after protests against military and secret services recruitment on campus, N.Y.L.S. students requested that the Administration impose a similar restriction due to the proven discriminatory practices of the military and secret services.

Although N.Y.L.S. does not specifically include "sexual orientation" in its official non-discrimination policy, Dean Bear issued a memorandum on September 24, 1981 directing the Placement Office to "make arrangements for any interested N.Y.L.S. students to be interviewed by these agencies next year at a mutually convenient time and place off-campus."

The National Law Journal reported on August 2, 1982 that the Army is far from satisfied with the restriction imposed by the law schools. Threatening reprisals such as denial of defense department contracts and termination of ROTC programs at the universities, the Army demanded that they be exempted from the non-discrimination policies which formed the basis for the ban.

None of the law schools banning recruitment have yet decided to give in to the Army's blatantly prejudicial demand. Michael Magness, director of placement at New York University School of Law, defiantly stated that "the Army may have the weight of the cases on its side, but we think we have the moral position. We simply believe that sexual preference is not job-related."

Criminal Law Society

For action-packed, high-powered extra curricular living, join the Worth Street Blues Program, a/k/a,, the Criminal Law Society. Last year our programs included a lecture by the real "Prince of the City," a guided full-day's tour of the Criminal Court, and a symposium on the New York drug laws. In addition, we always hold the most exciting receptions. See Carol Novack, Angie or Vinnie Crudden, or drop by the office soon and give us your ideas.

Lesbian-Gay Law Students

Last year, for the first time in school history, the SBA funded a student organization exclusively addressing the concerns of Lesbian and Gay male students at New York Law School. Anyone interested in contacting the Lesbian and Gay Law Students group can attend its general meetings or call Walter at (212) 638-4767. A comprehensive article on the status of homosexual lawyers was recently published in the National Law Journal, which is available on reserve at the NYLS library.

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Supremes

continued from page 7

(Sumomo Shoji v. Ayogino).
The Court ruled that an employer who offers a job to a plaintiff in an illegal discrimination suit is free from any further liability for back pay to the plaintiff, even if the job is refused as inadequate (Ford v. Equal Employment Opportunity Commission).

The Court upheld a California referendum that prohibits state courts from ordering busing in the absence of intentional segregation (Crawford v. Board of Education). In another busing decision, the Court declared unconstitutional a Washington state law, adopted in a voter-initiated referendum, that forbids local schools from acting on their own to bus students toward full-scale integration (Washington v. Seattle).

DUE PROCESS

The Court held that retarded people in state institutions are constitutionally entitled to more than basic custodial care and must be given some essential training in self-help (Horne v. Bell).

In Stewart v. Kriener, the Court ruled that states seeking permanent custody of abused children must prove the unfitness by "clear and convincing evidence," a higher standard of proof than the "preponderance of the evidence" required by the law of New York and other states.

SEX DISCRIMINATION

In addition to the nursing school case, Mississippi v. Hopkins, the Court ruled that educational institutions receiving Federal funds may not discriminate on the basis of sex when hiring employees (North Haven v. Bell).

IMMUNITY

The Court gave the President absolute immunity from civil suit in Nixon v. Fitzgerald and removed the requirement that Federal and State government officials prove that they acted without malice to avoid liability when sued for violating an individual's legal or constitutional rights (Hircle v. Fitzgerald).

CRIMINAL LAW

In Eddings v. Oklohomia, the Court held that the death penalty is unconstitutional for a juvenile murderer who had not been allowed to show evidence of his deprived childhood. In Edwards v. Florida, the Court overturned a death penalty for an accomplice in a crime in which a murderer took place when the accomplice neither committed the murder nor intended death to result from the crime.

In an expansion of the automobile exception, the Court held that the police can search vehicles when a car as well as glove compartments without a search warrant when the police have probable cause to search the car itself. (U.S. v. Ross).

FEDERAL REGULATION

In Board of Education v. Roeley, the Court held that handicapped children are entitled to an education from which they can derive "some benefit" but not necessarily one designed to enable them to reach their full potential.

LABOR

The Court held that unions are legally entitled to bar outside contributions to campaigns for union office (United Steelworkers v. Sudlersnes). The Court struck down a New Hampshire law requiring a court order to be closed to the public and the press during the testimony of a young victim of a sex crime (Globe v. Superior Court).

The Court gave local communities wide discretion to regulate the sale of drug paraphernalia (Hoffman Estates v. The Flipside).

RELIGION

The Court ruled that a state university that allows its students to use its property for secular purposes must permit student religious groups to use the facilities as well (Wisconsin v. Vincent).

The Court held that the individuals who believe a government policy violates their constitutional rights to be free from established religion do not, by virtue of that belief, have standing to challenge the policy in Federal court (Valley Forge College v. Abercrombie United).

TAX AND COMMERCE

The Court upheld the right of American Indians to impose severance taxes on the value of minerals taken from their tribal lands (Merrion v. Jicarilla Apache Tribe).

The Court ruled that the regulation of corporation profits by a state imposes an unconstitutional burden on commerce (Edgar v. MITE Corp.).

The Court held in New England Power Co. v. Nebraska that a state cannot prohibit a utility from selling the energy it produces within a state to an out-of-state customer.

ANTITRUST

The Court ruled that cities and towns are not immune from Federal antitrust laws for actions they take in the absence of an explicit state policy or delegation of authority. Although this case, Community Communications v. Boulder, involved cable television, the ruling applies to the areas as well.
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