Centennial Commencement At New York Law School

New York Law School's Centennial Graduation Commencement 1991 took place last June 9th. On a clear day at Avery Fisher Hall, almost 400 graduates received their Juris Doctor degrees.

Mayor David N. Dinkins and White House Chief of Staff John H. Sununu received honorary Doctor of Laws degrees. Mayor Dinkins said that despite the admission of more women and non-whites to American law schools "the battle to diversify our top law firms has yet to be won-in fact, it has not yet started."

At the school's 99th commencement, which was held in Avery Fisher Hall in Lincoln center, the mayor said, "Among the major law firms in this city, less than two percent of the attorneys are African-American, and barely one percent are full partners.

Addressing a graduating class of 400, their relatives and friends, Mr. Dinkins criticized what he said was "the federal government's refusal to provide some of the basic means to achieve a decent life in this country," which he said included "quality education."

A starkly different view was given by the other main speaker, John H. Sununu, the White House chief of staff and former governor of New Hampshire. Mr. Sununu said, "Personal responsibility is as much a part of the American system as big government," and he denounced what he called "the advocates of the old failed ways who don't want to change systems that don't deliver." Governor Sununu argued that contrary to Mayor Dinkins' assertion, aid to the cities has not declined, but rather, "what has failed is that you haven't gotten your money's worth."

Student speaker Jeanne Costello addressed her graduating class, speaking of the law as a "powerful and creative force for change." Ms. Costello said that when she first entered New York Law, she thought she would be studying a discipline "where cold, rational thought ruled the day and all creative energy would have to be put on a back shelf." Rather, she said she came to understand the law as a "passionate and creative force, as powerful and productive as the creative energies of each individual lawyer will allow it to be."

Soviet Coup fizzes...

Wednesday afternoon in Moscow the coup d'etat staged by reactionaries in the Soviet Union collapsed and Soviet President Mikhail S. Gorbachev returned to Moscow from his vacation dacha in the Crimea where he had been detained for the duration of the three day coup. The collapse first became evident when tanks and troops loyal to the coup retreated from their positions besieging "The White House", the Russian Federation Parliament building, occupied by Russian Federation President Boris N. Yeltsin and his supporters. Mr. Yeltsin and his supporters inside "The White House", named after the Washington D.C. presidential mansion, were protected from attack by over 100,000 Muscovites that manned homemade anti-tank barricades. Mr. Yeltsin later credited these people for defeating the coup.

As the tank commanders left Moscow some flashed a "V" for victory sign. Such displays bring up the Fortunately unanswered question of just how willing were the Red Army units fire upon its fellow citizens. The column of tanks, armored personnel carriers and trucks stretched for nearly 20 miles as it left Moscow. Vice President George H. W. Bush was protected from attack by the confusion created by the withdrawal of the troops to cover their escape to the airport for their flight out of Moscow.

Although Mr. Yanayev was the ranking member of the coup, Mr. Yeltsin and others speculated that the coup actually was orchestrated by other "shadowy figures" within the military and the KGB. Mr. Yeltsin, a political adversary of Mr. Gorbachev, immediately condemned the coup as an "unconstitutional act" and demanded that Mr. Gorbachev be returned to power. Mr. Yeltsin, who is not a member of the Communist Party, blamed the party for the coup. This sentiment was echoed by Soviet journalists and people on the street.

See You at the Centennial Carnival, September 15
Soviet Coup Attempt Fizzles... What's Next for the USSR?
(continued from page 1)

broadcast many reports by Soviet reporters during the three day coup, most of which were critical of the coup. Official press organs of the Communist Party announced the party line but Soviet television carried a videotaped message from Mikhail Gorbachev. Many Soviet reporters were openly critical of the coup and did not seem to fear reprisals by its leaders. Many Soviets berated the coup planners for bad coup planning and execution.

Soviet citizens were not cowed by the sight of tanks rolling through Red Square, although German panzers at the gates of Moscow must have caused fear among the Soviet people. Glasnost has seemed to remove some of the reflexive fear that the Soviet people had of its government. Journalists have received superb access to information on how badly their government is run. Now there is much less respect for it. In recent years, The Communist Party has been disarmed because it could not run the Soviet Union on a day to day basis. Now the party has reached a new low because it cannot even execute a proper coup, one of the few areas in which the party was believed to be competent. Because there is less fear of the central government, the new Soviet government will have to provide greater reforms and at a swifter pace to quell unrest among the growing number of reformers in the nation.

The citizens of the Russian Republic, the largest in the Soviet Union, already look to Mr. Yeltsin to deliver these reforms, and now the rest of the nation may jump on his bandwagon. Mr. Yeltsin gained great prestige by immediately and forcefully opposing the coup and calling for the return of Mr. Gorbachev and the path to reform. On the other hand Mr. Gorbachev lost face because his hand picked subordinates turned out to be traitors and it highlighted Mr. Gorbachev's lack of judgment for selecting them in the first place. Because his group was so badly executed, the President of the Georgian Republic and others in the Soviet Union have accused Mr. Gorbachev of staging the coup to get rid of hardliners and enhance his popularity.

The coup will also change US-Soviet relations. Independence movements in the various republics have gained tremendous momentum from the defeat of the reactionaries in Moscow, so the US must devote more attention to leaders of the individual republics. If the Soviet Union under the leadership of Mr. Gorbachev or Mr. Yeltsin takes substantial steps toward democracy and market based economies, the US and other Western nations may provide economic aid above the levels contemplated before the coup. The pentagon will likely argue that instability in the Soviet Union will make it impossible to rely on the Conventional Forces Treaty and the recently signed START treaty, therefore the scaling back of US strategic forces and conventional forces in Europe should be slowed. Funding for the Strategic Defense Initiative may well be increased because there is a increased perception that renegade hardliners in the Soviet Union may get access to nuclear weapons.

Who's Doing What at NYLS

William Meredith III
Richard Kiernan, NYLS '94, and Kevin Downey, Dean of Admissions were featured in the spring issue of the New York Bar Association's newsletter. The article focused on the changing status of law school and the non-traditional student.

Jethro K. Lieberman, the director of the legal writing program at NYLS, and Tom Goldstein have published The Lawyer's Guide to Writing Well, a former writer for Business Week, and Goldstein, dean of the Graduate School of Journalism at Berkeley, spell out how to write clearly by exploring the causes of poor writing. By effectively expressing their thoughts, the two lawyer-journalists have received superb reviews.

Joseph D. Brennan, NYLS '93, has been named a delegate to the National Presidential Nominating Convention of the Libertarian Party. He is also a staff writer at the Libertarian Society.


Richard Marsico, director of the NYLS Housing Law Clinic, was quoted by the Daily News in a July 24 story. The story dealt with the possible loss of banking services in the proposed Chemical Bank and Manufacturers Hanover Trust merger.

On June 18, Professor Arthur A. Leonard participated in a Practicing Law Institute program entitled "The Americans with Disabilities Act: Planning for Compliance" in New York City. The program covered the laws governing the disabled in the workplace.

Michael Botein, founding director of the NYLS Communications Media Law Center, is on sabbatical this year, but remains very active. His Cases and Materials on regulation of the Electronic Media, co-authored by NYLS Adjunct Professor Mark D. Director and the Honorable Douglas H. Ginsberg of the D.C. Circuit was published in April by West Publishing Company. He was a visiting professor at the University of Poitiers Law School and presented a paper, "The Competitiveness of the U.S. Telecommunications Industry" at the University of Amsterdam Law School in June.

Professor Nadine Strossen, President of the American Civil Liberties Union, will address the Fifth Annual Lawyers Convention of the Federalist Society on September 13-14 at the Mayflower Hotel in Washington, D.C.

Adjunct Professor Iance Goodman, who teaches Employment Discrimination and maintains a law practice in the city, is the General Editor of Employee Rights Litigation: Pleading and Practice, which was published in May, 1991 by Matthew Bender.

Beware the New Semester

At the start of the Fall 1990 Semester it had been less than three weeks since Iraqi forces had invaded Kuwait. On January 15, 1991 less than one week after the start of the Spring Semester the United States and Coalition forces commenced operations against Iraq with a massive bombing raid on Baghdad and other targets in Iraq and Kuwait. On August 19, 1991 just one day before the start of the Fall Semester a three day coup began in the Soviet Union. What is in store for the start of the Spring 1992 Semester? Law students rue the start of a new semester perhaps the rest of the world should also.

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AUGUST, 1991

NEW YORK LAW SCHOOL

The End of an Era

Justice Thurgood Marshall, a true American civil rights hero, retires after almost a quarter-century on the Supreme Court.

By Joseph Conway

The man who vowed to remain on the Supreme Court up until the day he died has decided that he could not outlive either the conservative trend of the Rhenquist Court nor the current electoral predilection of the American people. After serving just short of a quarter-century on the Supreme Court, Associate Justice Thurgood Marshall tendered his resignation to President Bush earlier this past summer.

The 82-year old justice sent a short, two-paragraph letter to the President, citing deteriorating health as disallowing him from remaining on the bench. In light of Marshall's numerous references to his appointment to the Supreme Court as a "lifetime term" from which he would never retire, his sudden resignation was interpreted by many as a sign of his dissatisfaction and isolation in a court where a solid conservative majority has been dismantling some of the very same principles that Marshall himself had helped establish, both as a litigator in the 50s and 60s and then as an Associate Justice.

Six Decades in the Law

Marshall was born in Baltimore in 1908, when the city was as segregated as any in the deep South. Because the University of Maryland barred blacks, Marshall attended the all-black law school at Howard University, which in the 1930s was being transformed into the then vice-dean Charles H. Houston into a magnet, and after graduation, Marshall went to work for the Baltimore chapter of the N.A.A.C.P. At the age of 28, he was appointed as federal judge, as Solicitor General in the Johnson Administration, and finally as an Associate Justice from 1967 to 1991. Marshall knew personally many as dour and cranky, Marshall actually had the capacity to be quite warm and earthy. He once greeted former Chief Justice Warren Burger with the salutation, "What's shakin', Cheefie baby?" But Marshall is also known for being bluntly negative and a realist with respect to political opponents. On President Bush, Marshall once said, "It's been said that if you can't say something good about a dead person, then don't say it. Well, I Consider him dead." On former President Ronald Reagan: "I wouldn't do the job of dog-catcher for Ronald Reagan." And about then-nominee judge David Souter, Marshall said, "Who is this person? He is a nobody... a nothing."

Marshall used to watch T.V. in his chambers (telling Brennan that you could learn a lot about life from soap operas). Many scholars of the Court argue that with cases beyond the areas of civil rights, criminal law and individual expression, Marshall was disinterested at best.

Marshall joined the Warren Court just as it was beginning to run out of steam. With the election of President Richard M. Nixon in 1968, Republican Presidents would make the next eight nominations to the Court. There were no vacancies on the High Court during Jimmy Carter's tenure, and President Bush's nomination of Judge Clarence Thomas is widely expected to be the ninth conservative Republican appointment to the Court.

Justice Marshall's aversion to the death penalty stems directly from his years as a traveling defense lawyer for blacks accused of crimes in the South in the 1930s and 1940s. Since 1976, however, the Court has held that the death penalty may be administered in certain circumstances. Until last year, Justices Marshall and Brennan would join in tacking on a dissenting note to every death penalty case arguing it to be unconstitutional.

This last case in which Marshall cast a minority vote was a 6-3 decision that overruled two recent decisions on cases involving the death penalty. Marshall gave an angry dissent in which he stated his views about the future of the Supreme Court, which in his opinion saw "power, not reason, as the new currency of this Court's decision-making."

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When Marshall was appoin­ted to the liberal Warren Supreme Court by President Lyndon John­son in 1967, he fit in as both a symbolically and ideologically effective Justice. But ironically, "The assumption on which the Court's holding rests is that the only purpose of the constitutional guarantee of effective assistance of counsel is to reduce the chance that innocent persons will be convicted. In my view, the guarantee also functions to ensure that convictions are obtained only through fundamentally fair procedures. The majority contends that Every defendant is entitled to a trial in which his interests are vigorously and conscientiously advocated by an able lawyer. A proceeding in which the defendant does not receive meaningful assistance in meeting the forces of the State does not, in my opinion, constitute due process."


"The majority itself loses aside established precedents without explanation, disregards the will of Congress, fashion rules that defy reasonable expectations."


"What's shakin', Cheefie baby?"

"The majority itself loses aside established precedents without explanation, disregards the will of Congress, fashion rules that defy reasonable expectations."


"Power, not reason, is the new currency of this Court's decision making."

"What's shakin', Cheefie baby?"

"The majority itself loses aside established precedents without explanation, disregards the will of Congress, fashion rules that defy reasonable expectations."


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THE PASSWORD:

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Clarence Thomas

He's a black conservative, an advocate of natural rights law, and he will probably be sitting on the Supreme Court until the year 2033.

by the Reporter Staff

Following the June 27th retirement of Supreme Court Justice Thurgood Marshall, the Bush Administration quickly announced the nomination of Federal Court of Appeals Judge Clarence Thomas to take Marshall's seat on the nation's highest court.

Thomas, 43, is a black conservative who went from a home without indoor plumbing in Pin Point, Georgia to Yale Law School. While an undergraduate at Holy Cross Thomas became a member of the Black Student Union, and at one point was a Black Panther sympathizer dressed in beret and combat boots. Later on, as a member of the Reagan Administration he opposed all racial preferences, and in the process became the darling of right-wing Republicans.

Thomas was born a Baptist, but was sent to a Catholic school run by white Irish nuns. Since moving to Washington, he has attended an Episcopal church. His first marriage, which produced one son, Jamal, ended in a bitter divorce. Thomas married Virginia Lamp, an attorney in the Labor Department who made a name in Washington for herself fighting equal pay for women and liberal Democrats would look churlish opposing while at the same time sticking to its efforts to pull back on civil rights programs. Thomas has built his career in part on an intellectual rejection of government attempts to redress racial prejudice while benefiting from similar efforts.

In his writings and speeches, Thomas has described his inner conflicts, calling himself a child of hatred and love, of malign neglect and of compensating family attention, of painful encounters with white racism and the healing guidance of an order of white Irish Catholic nuns. The President could hardly have picked a nominee whose early life better demonstrates self-help, Horatio Alger and Booker T. Washington combined in one man's struggle.

Irish Nuns

When Thomas was two his father walked out on the family, and Thomas was sent to live with his maternal grandparents, Myers Anderson, his grandfather, sold ice and coal from the back of a pick-up truck to make a living. Anderson himself could barely read, but insisted that Thomas get the best education he could. Thomas was sent to a Catholic school run by white Irish nuns, strict disciplinarians who instilled a can-do attitude in the young man.

Thomas went on to study at the Immaculate Conception Seminary in Missouri, but left because he was confronted by overt racism there. At Yale Law, to which he was accepted under an affirmative action plan, Thomas tried to hide from professors in the classroom so they wouldn't notice his race. Thomas was adamant about not being given special treatment.

As a lawyer in Missouri Attorney General John Danforth's office in 1974, Thomas intentionally worked on corporate issues, avoiding areas like civil rights and abortion. As a lawyer for the Monsanto corporation from 1977 to 1979, Thomas helped shepherd pesticides through government registration. He returned to Danforth's staff as a legislative assistant in 1979, and in 1981 served briefly in the Department of Education's civil rights division.

In 1982, Thomas was nominated to serve as chairman of the Equal Employment Opportunity Commission. At E.E.O.C., Thomas shifted the agency away from big, statistic-based class-action suits to focus on smaller, individual cases of discrimination. During his tenure at E.E.O.C., Thomas publicly questioned the Reagan Administration's seeming reluctance to broaden the Republican interpretation of affirmative action. He insisted that the government had room for people of all colors, faiths, conditions and classes.

In 1990, President Bush nominated Thomas to the Federal Appeals Court in Washington, D.C., which has often been a spawning ground for Supreme Court Justices. On that court, however, Thomas has only ruled on 27 routine cases.

Plessy Revisited?

Thomas is passionate in his belief that he made it to the top because of who he was, not because of what he was. For Thomas, American constitutionalism is predicated on the rights of individuals, not of groups. He has been scathing in his condemnation of laws which seem to offer blacks preferential treatment over whites; that he argues, stigmatizes blacks as people who could not make the grade on their own merits. This does not mean that he is blind to racism. It is just that he thinks than an essential tool in combating that is self-discipline and self-motivation.

Thomas' rejection of affirmative action is based largely on a feeling that whites will never be fair to blacks, a view long espoused by black nationalists such as Marcus Garvey. Thomas is skeptical about integration as a goal because he doubts that it is attainable. Racial preferences, he says, sap African-Americans of their determination and leads whites to believe that blacks can only gain parity through reverse discrimination.

Thomas argues that no other groups have been pulled into the economic mainstream through government programs. He resents the government's "experimentation on our race," which he says makes blacks account for every break they get.

The Short List for the Next Time Around

President Bush is widely known for having a desire to appoint the first Hispanic to the Supreme Court. Doing so may help Republicans gain inroads into the burgeoning Hispanic-American community; note the Justice Department's vigilance in protecting Hispanic districts in the reapportionment process currently going on across the country. High on the President's short list may be the following His-
panic-Americans: Ricardo H. Hinojosa of the U.S. District Court for the Southern District of Texas; Judge Jose A. Cabranes of the United States District Court for Connecticut, a conservative Democrat who is a friend of Mr. Bush’s; Appeals Court Judge Emilio Garza, who was brought to Washington this summer for an interview at the Justice Department but deemed too inexperienced; and Judge Ferdinand Fernandez of the U.S. Court of Appeals for the Ninth Circuit in Los Angeles, who was promoted to the appellate bench by President Bush in 1989. Judge Edith Jones of the U.S. Court of Appeals for the Fifth Circuit in Texas was publicly named as runner-up to Mr. Bush’s last nominee, Justice Sou­berman, for the Bush Administration. Other names include Kenneth G. Hatch, Republican of Ohio and Judge Jones’ colleague on the Fifth Circuit. A wild card is federal Judge Laurence Silberman, a multi-disciplined intellectual who currently sits on the Federal Circuit. His leniency with Oliver North could cause him some trouble, though.

by the Reporter News Staff

Queens’ District Attorney Richard A. Brown spent the summer reorganizing the office he inherited from former DA John Santucci. Brown filled two major posts in his office by appointing Barbara D. Underwood as Chief of Appeals Bureau. He also appointed two other Executive Deputy Assistant Attorneys, Sheldon L. Galfunt and Gregory L. Lasak. Ms. Underwood, a former law clerk to retiring U.S. Supreme Court Justice Thurgood Marshall, and DA O’Reilly, now Chief Law Assistant of the Appellate Division, Second Department, are expected to be the primary architects of Mr. Brown’s stated plan to convert the Appeals Bureau into a full Legal Division with office-wide responsibilities.

Worked for DAs

First in her graduating class at Georgetown University Law School, Ms. Underwood went from serving Justice Marshall in 1971-72, to a professorship at Yale Law School, where she taught for ten years, with time out for a stint as a prosecutor under Manhattan DA Robert M. Morgenthau. In 1982, she was appointed Chief of Appeals in the Brooklyn DA’s Office and Counsel to the Brooklyn DA Elizabeth Holtzman. Since 1990, she has been a visiting professor at New York University Law School. Ms. Underwood will, as part of her role in heading up the Legal Division, be responsible for recruiting law school graduates and developing career opportunities within the DA’s Office, establishing training programs for new as well as experienced Assistant DA’s. She will also be responsible for establishing and supervising an Office of Legislative Affairs to monitor proposed legislation and changes in existing law and procedures affecting the criminal justice system. For Mr. O’Reilly, this will be his second tour of duty with Mr. Brown. He served as Mr. Brown’s Law secretary for six years during Mr. Brown’s tenure as an Associate Justice of the Appellate division. In 1988, Mr. O’Reilly was elevated to his present position as Chief Law Assistant in the Appellate Division. Mr. O’Reilly graduated from Brooklyn Law School in 1979.

Mr. O’Reilly will supervise the preparation of the hundreds of briefs and oral arguments Queens ADA’s handle in response to appeals filed by criminal defendants. Ms. Underwood will receive $93,000; Mr. O’Reilly, $86,000.

Administration and Operations

Mr. Galfunt, a former Chief of the Criminal Court, Grand Jury and Supreme Court Bureaus was named Executive Assistant DA for Administration. Mr. Lasak was named Executive Assistant DA for Operations. He had been trial coordinator for the Jamaica Trial Division.

Galfunt had been secretary-treasurer of the Hudson-Chromo­mium Company of Astoria for the past seven years, having earned his JD at Ohio Northern Uni­versity College of Law. His new responsibilities will include supervising the preparation and prosecution of all criminal trials in State Supreme Court.

Mr. Lasak graduated from New York Law School and has spent his entire professional career with the Queens DA’s Office. He served as chief of the Homicide and Investigations Bureau, the Supreme Court Trial Bureau, and the Major Offense Trial Bureau before moving to the Jamaica Trial Division earlier this year. As Executive Assistant DA for Operations, Lasak will assist Chief Assistant DA Barry Schwartz in the day-to-day opera­tions of the DA’s Office. Both will receive a salary of $91,000.
Dinkins Names Family, Civil, Criminal Court Nominees

Spring and Summer Nominations include several New York Law graduates

by the Reporter Staff

Mayor Dinkins recently nominated Dennis J. Boyle, William E. Garnett and Arlene D. Goldberg to serve on the Criminal Court Bench. The Mayor also nominated Richard N. Ross as a Family Court Judge and Michael R. Sonberg as a Civil Court Judge.

Mr. Boyle, 38, has been a law assistant for 13 years to Acting State Supreme Court Justice Thomas B. Galligan. Mr. Boyle is a graduate of Fordham University and Fordham University Law School. He is a resident of the Bronx.

Mr. Garnett, 40, now Supreme Court Bureau Chief for the Staten Island District Attorney’s Office, was Chief of its Investigative Investigations Bureau from 1985 to 1989. He is a graduate of Fordham University, Brooklyn Law School, ad New York University Graduate School of Law. He lives on Staten Island.

Ms. Goldberg, 41, has been a law assistant since 1986 to Acting Supreme Court Justice Carol Berkman. She is a graduate of Hunter College and Kent College School of Law. She lives in Manhattan.

Mr. Sonberg, 43, is counsel to the Manhattan law firm of Serchuk and Zelermeyer. He is a graduate of Queens College and Harvard Law School.

NYLS Graduates

Boyle, Garnett and Goldberg will join alumni Lorin Duckman, NYLS ’73, and Martin Hershey, NYLS ’51, who were nominated to the criminal court earlier this summer. Phillip Segal, NYLS ’73, was also appointed earlier this year to the NYC Family Court.

All of the nominees are expected to be confirmed by September.

The National Conference of Black Lawyers
New York City Chapter

presents

"The People's Confirmation Hearings:
The Marshall Legacy and the Thomas Threat"

with

Haywood Burns
Dean, CUNY Law School

Professor Gerald Horne
Former NCBL Director/Historian

Joan Gibbs, Esq.
Center for Constitutional Rights

Keynote address by Father Lawrence Lucas
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The Reporter

Special Pullout Section: Back to NYLS

Who is New York Law School?

Welcome Back
In a New York State of Mind

by Lou Taubman

Last year, when I finally decided to attend New York Law School, I was repeatedly congratulated on being admitted to N.Y.U. These well-mean, but erroneous comments were at first a bit embarrassing, but later it just became humorous. These days, I make sure that it is very clear that I attended New York Law School and not New York University School of Law, despite the excellent reputation of the former. Even though I am proud to attend N.Y.L.S., and I know firsthand what an excellent institution it is, I am somewhat disagree with some. There are more critics than there are letters in the name New York University School of Law than there are in New York Law School. A “mine is bigger than yours” thing?

Despite the fact that we do not yet hold the same high ranking as N.Y.U., I believe that there are some advantages that we N.Y.L.S. students have over those nice people at N.Y.U. To begin with, we have carpeting on the walls by our pay phones, something I’m sure N.Y.U. has ever even considered doing for its students. Last year we had more keg parties in our student lounge than they had in theirs. Our library is newer. During on-campus recruiting days, there is considerable more room to move around in at our school than theirs. There is a lot more potential for upward movement in the ratings for N.Y.L.S. than for N.Y.U. And finally, I have it on good authority that our students generally have more fun at happy hour then they do.

And what about the students? Just how do they feel? I have yet to encounter any student who feels that N.Y.L.S. is too easy. I also have not met anyone who believes that Brooklyn Law has a better library, Cardozo a nicer building, or that Columbia is closer to a court house or the PATH trains. And really, who would rather hang out in Washington Square than go to Stan’s or the Raccoon Lodge for happy hour? I have talked to a few people who still believe that AI Goldstein is the Dean of Fordham Law, that Pace is a vocational school specializing in air conditioning repairs, or that Touro is a school for Spanish matadors.

All things considered, New York Law comes out looking pretty good. I firmly believe that the overwhelming majority of my fellow students feel as good as I do about N.Y.L.S.

The only possible remaining critics are those who do not attend or work at N.Y.L.S., and who care what they think anyway. So the next time someone congratulates you on attending N.Y.U. (unless they are the recruiting partner for a large firm), answer proudly, “No, that’s the other school; I have the honor of attending New York Law School.”

The Reporter invites interested parties to submit columns, letters, articles, criticisms or suggestions to: The Editorial Board, The Reporter, 47 Worth Street, Room C-102, New York New York, 10013. Telephone: (212) 431-2117, FAX (212) 431-2327

The Reporter serves as a forum for news, opinions and ideas of members of the New York Law School community. Only editorial and policies so designated reflect the opinion of the Reporter and its editors. All other opinions expressed are those of the author and not necessarily those of the Reporter. We reserve the right of final editorial decision. Submissions may be omitted or edited for length and clarity.

We do give special consideration to shorter articles. All submissions should be made on IBM disk in Wordperfect, or Macintosh, with a double spaced printout. If you need a disk, we will provide it.

Professor Strossen Addresses Libertarians

by Joseph D. Brennan

This past July 4th, New York Law School Professor Nadine Strossen spoke as a special guest lecturer at a Cato Institute Seminar on the campus of Dartmouth College in Hanover, New Hampshire. Strossen was invited to lecture on the free speech aspects of “The First Amendment in Contemporary America” before an audience of 75 seminar attendees from around the United States and the world.

Before the seminar, Ms. Strossen was best known to members of the Institute as the newly elected national president of the American Civil Liberties Union (ACLU). While most libertarians tend to agree with the ACLU’s positions on individual civil liberties-such as free speech and the separation of church and state—many libertarians have been unhappy with the Union’s seeming unwillingness to support an individual’s right to property and liberty in the economic sphere.

Strossen’s scheduled appearance at the conference led some party members to wonder if, under Strossen’s leadership, the ACLU might begin to move toward protecting individual economic liberty. After the seminar, most attendees found little in Strossen’s speech to support such a conclusion.

Many in the audience complained that Strossen’s speech did not even seem directed to a libertarian audience. One Cato staff member commented that Strossen, “might have thought that we were a group of conservatives who favor the First Amendment.”

The Cato Institute is a non-profit, tax-exempt educational society devoted to promoting the libertarian philosophy. The Institute, headquartered in Washington, D.C., takes its name from Cato’s Letters, a collection of essays which were popular in the pre-revolutionary American colonies.

Joseph D. Brennan, NYLS ’93, has a B.S. in Computer Science from SUNY/Old Westbury, Class of ’98.
Legal Talk

Learning to be a lawyer means learning to speak like one

by Liz Ames

Students will hear that law school is a training ground for "learning to think like a lawyer" throughout their years at NYLS. New students often wonder what "learning to think like a lawyer" actually means and how to translate it into action. Can I do so by deliberately underlining the court's reasoning, and highlighting the holding? How do I know when I am thinking like a lawyer? Seldom do new students receive practical tips on how to develop and practice legal reasoning. Terror starts to build. But there is a solution.

Law school has taught me that one of the best ways to learn to think like a lawyer is to learn to talk like a lawyer. Successful law students are those who have the key to legal thinking—the language itself. As with any new target language, law has a specialized language through which a worldview is articulated. Not only does the law have a specialized vocabulary, but the meanings we attach to legal terms differ greatly from those that lay persons will often assume. (Think of the legal and non-legal interpretations of "due process," for instance.) Learning to use this new language is essential to success in your new legal world.

The best way to learn to talk like a lawyer is to practice the new language, as if it were Italian, Russian or Esperanto. An excellent way for new students to practice "lawyer" is to ask questions in class and in their study groups. As students ask questions, they experiment with foreign terms and start to grasp elusive concepts, all of which help to shape the new language. Doing so promotes active learning over rote memorization.

Using "Lawyer" promotes self-confidence in speaking the new language and in turn helps the mind to exercise legal reasoning. As with any new target language, making mistakes is part of the process of learning the linguistic and legalistic rules of "Lawyer." Part of doing well in law school means using legal terms adeptly and appropriately. Knowing how to use legal terms precisely helps solidify legal principles and promotes legal thinking. The cumulative effect is to enable the individual to assert legal ideas, and in turn, argue effectively. When a student begins to sound like a lawyer, this is a sign that he or she is beginning to think like a lawyer.

Language is the living expression of our thinking. After all, lawyers are learned mouths, hired to render legal services and paid to advocate for the buyer. For law school and hereafter, what comes out of a lawyers mouth is going to be his or her biggest asset.

What's in a Name?

Enjoy it while it lasts, young innocents

by Alex Lee

An interesting thing happened on my way to law school today: My editors asked me to write a nice, schmaltzy welcome to all you first year students. Personally, I don't see why I should. Theoretically, all of you are rational, thinking adults. You voluntarily took the LSATs, filled out hundreds of applications, groveled for recommendations, and spent years of college painfully studying for this day. I say you knew exactly what you were doing, and you deserve what you get. Just because you overdosed on "L.A. Law" during college doesn't mean I have to cut you some slack.

It's too bad "St. Elsewhere" got cancelled. At least when it was still on, some people could be brainwashed into thinking, "A doctor! Yeah...I could be a doctor; save people's lives. Yeah, that's the ticket."

I think the ratings on "St. Elsewhere" took a dive when viewers figured out that the attorneys on "L.A. Law" worked a lot less and drove cooler cars. But I digress.

At some point in your soon-to-be miserable and pathetic little lives, there exists a distinct possibility that you and I will be competing for the same job. Therefore, it is in my own best interest to squash the lie out of you now, like the bugs that you are, rather then let you live long and possibly prosper (or be fruitful and multiply or whatever that saying is).

How should I crush you? Let me do it by explaining what lies behind the seemingly innocuous title given to you the first day you walk through 47 Worth St. Ill's. Like, what a cool, groovy way to express your new status in life. In high school they called us freshmen. We were at the bottom of the evolutionary ladder and by labeling us "freshmen," everyone knew it.

"Sophomore," everyone knew it. Upperclassmen wouldn't acknowledge our existence save when they needed to release pent-up (and obviously sex-based) aggression. Even girls in our own class wouldn't date us. Being too busy because they were going out with the upperclassmen, (who would of course amuse these girls by playing some embarrassing prank on us freshmen).

My second year in high school was a little better. We were then referred to as "sophomores." "Sophomore," from the Greek language means "wise fool." Yes, the "-more" root is the same root word that forms the basis of the word "moron." We were called sophomores because since we weren't freshmen anymore, we thought we knew everything. In reality we still knew nothing. And the girls in our class still wouldn't date us.

The day we finally became seniors was the greatest day of our lives. At last, we were the top of the heap, kings of the all that we surveyed, gods of the multiverse. When we said jump, freshmen said "how high?" Still, there were some disappointments. Girls in our class still wouldn't date us; they were busy dating college freshmen.

On graduation day, I remember being up to the podium, shaking the headmaster's hand, and proudly accepting my name at the end of this year. But for you other 300-odd 1L's, I guess it is a nice term. "1" looks much better beside your name than does, say, "709" or "1005." "1" screams excellence, greatness, and power. All the others just simply lie there like Dan Quayle. No one ever shouts "We're Number 1! We're Number 2!" Well, the Cleveland Indians do, but that's about it.

All right. One of you 1L's will undoubtedly have a 1 by your name at the end of this year. But for you other 300-odd 1L's, savor it while you can. It won't last long.
The Best Things in Life are Free...

For writers, the dry streets of Manhattan are a lush oasis of literary delights. Eager publishers provide piles of periodicals for perusal and many of these publications are provided at no cost to demographically desirable readers. Law students are, of course, a desirable audience. Despite the extraordinary time pressures of law school, almost all students occasionally find a few minutes for light reading. The Reporter has reviewed several of the free publications distributed in and around the school.

The New York Law School Reporter, which you now hold in your hands, is a monthly student publication created by the students at NYLS. It is found throughout the school, in the library reading room, in the Froessel Reading Room, in the literature rack at 57 Worth Street, in the lounge, and on most of our lavatory floors. The reporter is written and edited by students. (And, by the way, we encourage your participation and ask you to join us.) The contents tend to reflect the interests and concerns of law students; news, features, poetry and complaints. The stories sometimes exhibit annoying contrasts of style and mode of expression, but the Reporter consciously strives to promote true self-expression by the student body. Cartoons draw by students, which appear in the Reporter, have won national attention. The Reporter is printed by the web offset process, and sometimes arrives at school before the ink dries on the page.

The Village Voice is probably the best known of the free tabloids. Of course, it is not usually free, but each Thursday, the distributor unloads hundreds of Voices into racks next to the service desk at 47 Worth Street. The full-color front page is emblazoned with a ribbon of print which proclaims it as a complimentary copy, but it is otherwise the same tab seen at most newsstands.

Irreverent and considered by some to be politically too left-wing, the Voice has become an institution. One recent front page story was "Why I Hate The Village Voice." The Voice features columnist and civil libertarian Nat Hentoff, and some of its political commentary ranks among the best in the city.

The Judean Lawyer first arrived during the 1990-1991 school year. It bills itself as the "Jewish Law Student's Newspaper." Published on a somewhat irregular basis, it may be found on the literature bench in the student lounge. It is distributed at law schools throughout the city, and it concentrates on issues of Jewish and Israeli identity. The first two issues featured interviews with former New York Mayor Ed Koch, and former Israeli Ambassador to the United States, Meir Rosene.

Found next to the Judean Lawyer, but from a different world, is the National Alliance. Bright color graphics dominate the front page of this broad sheet, which seems to be the official paper of the New Alliance Party. The paper is very political. It's best known columnist is the Rev. Al Sharpton. The National Alliance usually features several stories about the grass roots organizing of this fringe group, and exposes of police brutality in minority communities across the country.

Frolic and Detour was first published in April, 1991 by two New York Law School first year day students. One issue has been printed so far, but the editors expect to continue their publication into this school year. Frolic is printed in stiff, high quality stock, and its articles are well-written and in-depth. The first issue featured stories about the Justice Harlan conference sponsored by the law school and an exposition of the merits of judicial restraint and activism. Frolic and Detour can be found in the student lounge.

Bon Appetit!

Kovner to Resign as NYC Corporation Counsel

Victor A. Kovner will resign as NYC Corporation Counsel on October 1, 1991, and plans to return to private practice. Mayor Dinkins has named Peter Sherwood, New York State Solicitor General, as his replacement.

Kovner, as the city's chief lawyer, has decided now is a good time to leave, with the 1992 budget in place and all of the major litigation surrounding redistricting resolved. A close friend of the Mayor, Kovner was one of Mr. Dinkins' first appointees after the 1989 election. Kovner, Sherwood, 46, has been the state's principal appellate lawyer since 1984. He also oversees the Attorney General's opinion-rendering functions. Prior to joining
Pete Wagner's Environment

by Pete Wagner

Environmental Extras

The energy saved from recycling one glass bottle will light a 100 watt bulb for four hours.

The energy saved by recycling one aluminum can will operate a television set for three hours (if you have time to watch it). Please put all of your empty soda cans into the WE CAN receptacles outside of your classrooms, the lounge and cafeteria.

For every job created by harvesting virgin trees, five jobs are created by recycling the paper manufactured from those trees.

Speaking of trees, it takes over 500,000 of them just to supply the United States with newspapers every Sunday.

Glass that is produced through recycling reduces air pollution by 20% and water pollution by 50%, while manufacturing disposable bottles requires three times as much energy.

Americans throw away enough of those disposable bottles and jars to fill the 1,350-foot twin towers of the World Trade Center every two weeks.

Buying products in recycled packages encourages businesses to invest in recycled materials.

If you can think of any helpful hints or suggestions that can help preserve our global environment, or just make our school environment a little more comfortable, feel free to put it in the ELS mailbox in the student lounge.

Judicial Internship

Judge Robert T. Snyder is seeking a student intern for the Fall 1991 semester and possibly the spring semester, P/T for academic credit. Edith Weitz.

Qualifications: Student must have had basic labor law course.

Duties: Examine Transcripts, legal research, confer with judge.

Contact Judge Robert T. Snyder, 212-944-2947

New York Branch Office, Division of Judges, NLRB

1501 Broadway

Suite 410, New York, NY 10036

NYLS Student Chosen as Delegate to Libertarian National Convention

by Reporter Staff

Joseph D. Brennan, NYLS '93, was elected this past summer to attend the August 1991 Libertarian Party's Presidential Nominating Convention in Chicago, Illinois. Brennan, a Day student from Hempstead, New York, has been active in the Libertarian Party since January 1990.

The Reporter learned from Joe Brennan that the Libertarian Party, founded in 1971, is the nation’s third largest and fastest growing political organization. Its basic platform promotes personal and economic freedom, and works toward reducing and eventually eliminating government taxation and business regulation. The Libertarian Party wants to have freedom of choice in education, and a reform of current immigration and drug laws.

“Liberty Triumphant” is the name of this year’s Libertarian Convention, and it will be held at the Chicago Marriott Hotel. Seeking the nomination are former Alaska Rep. Andre Marrow and California entrepreneur Dick Bodde. There will also be several seminars and panel discussions on the Bill of Rights, Drug Policy Reform and Gun Control Legislation. The convention will be televised in its entirety by C-Span, August 27th through September 1st.

The New York State Attorney General's Office is seeking second or third year student interns for the fall 1991 semester. Send your resume to:

Edith Weitz

Secretary I

New York State Department of Law

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Barry Block's 18-Step Guide to Getting an "A" in Law School

by Barry Block

This will be the most important article you read during your law school career! By reading and following the advise in this story, you should be able to get an "A" on every exam you take.

I use the special qualifier "should" because of the special grading curve at NYLS. It seems a dean decided that the way to improve our school's academic standing among the hiring community would be to institute a severe grading curve, with a "C+" grade as the median. However, hiring partners know that the magic number is class rank, not GPA. Nevertheless, a transcript loaded with "C+" looks bad when compared to another institution's GPA. Nevertheless, a transcript "B" first grade was a Method, but improved.

Given the almost insurmountable obstacle of getting an "A", one might be tempted to ask, "If only eight to ten percent of any class will receive an "A", why should I keep reading? There are two answers: (1) It is very possible to get an "A" grade (my very first grade was a "B" in Legal Method, but I succeeded in getting 15 subsequent "A"s) and (2) Even if you fail a little short of an "A", your overall GPA may be improved.

My Suggestions:

(1) Go to class. This might sound a little obvious, but it's not. There has been the occasional student who rarely attended class but still received an "A". This is possible in cases where the student found a good outline, or where the professor expected the student to read Black Letter law. The problem with not attending class is that you lose the opportunity to get the flavor of the instructor. An outline can abstract everything that the professor says, but it cannot capture his or her intonation.

(2) Pick up the "vig." That's a slang expression I have for the 1/3 extra grade you get for class participation. From an appearance standpoint, an "A-" looks a lot better than a "B+". How to get the vig is an article in itself. In the meantime, keep in mind that you don't get it if you sit in the back of the class and never open your mouth. It's better to make a fool of yourself in law school than in court. So ask your questions now and save some embarrassment later.

(3) Prepare a good outline. You cannot possibly remember all the miscellaneous odds and ends that you learn in an entire semester. The challenge is to separate the wheat from the chaff. A good outline is short and concise. It should condense the really important cases and rules of law. If you do not have the time to make up your own outline, look for someone else's. Caveat: make sure the outline you get is from a superior student. I have seen many, many outlines that have serious factual errors in them. A bad outline is worse than no outline at all.

(4) Consider commercial outlines and flashcards. These are not substitutes for your own work. They can, however, serve as an effective method of putting a topic or a subject into perspective. There is also considerable reinforcement value in seeing the same cases and rules restated in a different form.

(5) Read the professor's old exams. You can find them in the library. Make copies early in the semester, before less ethical students steal them. If they are already stolen, ask the librarian or the professor for copies. Old exams allow you to really get into the head of the professor. In many cases, the same issues recur in subsequent exams. Practice taking these exams under test-like conditions. Afterwards, dissect the exam to see what issues you missed. Discuss your analysis with other students or ask the professor about any areas that you are unsure of. Check to see if your professor bases his question on recent or pending Supreme Court decisions. This is likely, because such cases provide for the least important part of your grade. Proof your answer. It is quite possible to leave out a very important word here or there, like writing "now" instead of "then." Spelling and punctuation do count, if only subliminally.

(7) Type your exams. This of course assumes you can type. If you cannot yet type, consider taking a course since word processing is more and more becoming an essential skill for attorneys. Imagine you are a professor and you have just marked 23 semi-illegible papers. Now you come upon a crisp, clean and easy to read paper. If you have just given a sloppily written paper the C+ that it probably deserves, you can certainly see giving this paper a B or an A. Caveat: if you are not prepared or organized, stick to writing the barely legible paper. Typing will only amplify your unpreparedness or disorganization.

(8) Outline your answer. Do not just start writing in a stream of consciousness manner. The most important steps in writing a top paper are:

(9) Read the question carefully, particularly the call of the question. What does the professor want you to answer?

(10) Read the question again, this time circling the key dates and facts. At the margin of each paragraph note the issue being discussed.

(11) Organize your answer. This is perhaps the most important step. The professor will give you a convoluted fact pattern involving multiple fact patterns and parties. There may also be a few "red herrings" thrown in to try to distract you. The worst thing you can do is to write a convoluted answer. Organize first by parties, (e.g., the rights and liabilities of A vs. B), then by issues.

(12) Start your paper by mentioning each issue. Most of your grade will not be based on your whether you came to the right conclusion (after all, reasonable courts often disagree), but rather on your ability to spot the issues to be decided.

(13) State the Black Letter law. This alone will not get you a lot of credit, but it certainly won't hurt. It lets the professor know that you have done your homework.

(14) Apply the law to the facts. Show how the particular facts in this case call for a particular result. Often the fact patterns will consist of an exception to the general rule. If you want to pick up some points, say, "But if the facts were contrary, the conclusion would be different because..."

(15) State your conclusion. This is the least important part of your answer, but nonetheless, the professor is often looking for the 'correct' answer, so state it.

(16) Proof your answer. It is quite possible to leave out a very important word here or there, like writing "now" instead of "then." Spelling and punctuation do count, if only subliminally.

(17) Do not forget to allot your time appropriately. Time pressure is an intrinsic part of law school exams, and you cannot expect a professor to give you credit for the response "Out of Time" scrawled across the bottom of the page. Keep an eye on the clock and pace yourself accordingly.

(18) Remember, the name of the game in law school is competition. Not against fellow students, but against yourself and the substantive matter being studied. I hope you will take my advice to heart and I hope even more you write an "A" paper.

The New York Law School community has provided a rich tapestry of organizations and clubs for students to participate in. Clubs allow a student to explore facets of the law outside that which they would normally find in the classroom. The following is a listing of all of the active clubs on campus:

**Student Bar Association**

As President of the Student Bar Association, I would like to welcome the Class of 1994 to New York Law, and provide you with some useful information about SBA.

SBA serves as the representative government for all students at NYLS. All enrolled students automatically become members, and SBA represents and protects your interests and rights within our school community. SBA also provides students with various extra-legal activities, in the hope of keeping everyone sane during what will become an incredibly stressful time. (i.e., we throw some decent parties!) The SBA is governed by the Executive Board, the judicial Board and the Senate. The 1991-92 Executive Board consists of the following students:

- President
- Kathy Barnett, Vice President (Day)
- Jack Frolich, Vice President (Eve)
- Doug Stern, Attorney General
- Diane Garcia, Treasurer
- Valerie Meakin, Secretary
- Glen Miller,ABA-LSD Rep.

The five members of the Judicial Board, who are appointed by the President (keep an eye out for announcements) essentially serve to interpret the SBA Constitution upon request, and to review rulings by the various standing committees. The Senate, composed of 32 elected representatives, serves to enact legislation concerning matters of policy affecting students, and allocates SBA funding. Senate elections will be held on August 26th. Please check your mailboxes for info.

To date, SBA has sponsored three parties for the coming semester. The first "Welcome Back" will be held on September 26th. A Halloween Costume Party will be held on October 31st, and a "Pre-Finals" Party will be held on November 21st. SBA's office is at C-101, in the Lounge. Don't hesitate to stop by with any questions, or just to say hello. We wish all of you the best of luck in the coming term!

**Latino Law Student Association**

The Latino Law Student Association was started in 1988 to promote the progress of the Latino law students at NYLS and to help facilitate the transition into the law student environment. Our primary focus is to advance the needs of the Latino student at NYLS, while at the same time enriching the entire school community with the unique cultural heritage of Latinos. We seek to forge understanding, tolerance and acceptance of different ways of life within the community at large.

The Latino Law Students Association acts as a support network to its members by providing outlines, tutorial sessions and news of available employment opportunities. We participate in community based activities such as the Outreach Program and College Application Week. We present panel discussions which raise issues central to our community like the "English Only" movement and the Puerto Rican plebiscite. LLSA also actively assists in the recruitment of Latino students to increase Latino enrollment by sponsoring an annual law day.

Membership is open to all, so please feel free to drop by our office at C-105 or call Elisa Velasquez, Chairperson, at extension 4885.

**Lesbian and Gay Law Student Association**

The Lesbian and Gay Law Student Association prides itself on being arguably the most active and visible student group on campus. This year, the group will hold four school-wide social events, but sponsored the first annual "Out and About" event. While at the please feel free to drop by our club lounge. LGLSA welcomes all students, regardless of gender identity or sexual orientation. Our primary focus is to enrich the school community with the unique cultural heritage of our members. We seek to forge understanding, tolerance and acceptance of different ways of life within the community at large.

Our primary focus is to enrich the school community with the unique cultural heritage of our members. We seek to forge understanding, tolerance and acceptance of different ways of life within the community at large.

**Legal Association for Women**

Legal Association of Women (LAW) is one of the many student clubs at NYLS, but the only one directs at its population of women students. Its activities include panel discussions on women in the law, introduction to women practicing law in a variety of settings, development of networking opportunities, and a social club where all NYLS students can meet and talk.

In the fall, LAW will sponsor a wine and cheese event where NYLS male and female students will meet NYLS women faculty. This is an opportunity to stop by and chat with your future mentor. Stop by the LAW office, come eat lunch, and offer your ideas about issues to be addressed and events to be planned. We welcome new members and their ideas.

**Centennial Carnival**

**Sunday September 15, 1991**

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Largest NYLS Class Admitted

by Michael Wood

The New York Law School fall 1991 entering class is the largest entering class in recent history. Four hundred and fifty-eight students were admitted to NYLS. Three hundred and twenty-six full-time day students, one hundred and twentyseven evening students, and five parttime day students were admitted. The class was chosen from the largest pool of applicants to apply to New York Law School. The large applicant pool strained the abilities of the Admissions Office. After receiving 4800 applications, the office was forced to return applications to would be law students. The larger numbers reflected the disbelief of the mid-year admissions program.

Statistically, the new entering class closely resembles the entering class of 1990. The median LSAT score was once again 36, with several students achieving a score of 45. The median GPA also duplicated last fall's entering class of 2.4800. However, the new entering class is slightly smaller. The median GPA also duplicated last year's class. Approximately 15% of the beginning students have earned graduate degrees. The male/female ratio is 281/177. The resulting 39% female ratio is higher than last year's 36%, but short of the admission office goal of 50%. However, this closely follows the applicant pool; only 40% of all law school applicants are women.

According to Dean of Admissions Kevin Downey, "Women tend to have a slightly higher GPA than men, but show a slightly lower mean LSAT score. It's interesting, but statistically insignificant."

Of the four hundred and fifty-eight students admitted, ninetyfour are members of minority groups. Thirtyseven are Afro-American, twentyfive are Hispanic and thirtytwo are Asian-American. Asian-Americans, although a relatively high number of law school admissions, remain underrepresented in the legal profession in New York.

The new students come from seventeen states and Canada. The mean age of the day students is twentyfour; the mean age of the evening students is twentynine; the mean age of the parttime day students is thirtythree.

New Courses Offered at NYLS

One of the more important changes in the educational program at NYLS won't be easily seen. New students will forgo the (dubious) pleasures of Legal Method class. They will instead take part in a new class called Lawyering.

Like the Legal Method class which it replaces, Lawyering will be a two credit class. However, according to Professor Laurence Grossman, the new Lawyering class will delve into more than reading appellate decisions. Although the course is a how to course, it will be taken up in reading cases, the accent will be on the difficulty in ascertaining the facts of a case and the problems of combining the facts of a particular case with the law. The new class will serve as an introduction to what lawyers do, not a how to course so much as an introduction to what is involved in being a lawyer today.

The new Lawyering course will intersect with the Legal Writing course at several points. The class brief and the first written memo of Legal Writing will flow from the information provided in Lawyering. A major feature of the Lawyering program will be the immersion in a case file. Students will be expected to verbally present the results of research as they might to a senior partner. The Lawyering class will also include training in how to interview a witness and a client.

It is intended that the new class will provide a broader, more systemic perspective of the role of the lawyer.

Negotiation/Interview/Counseling

The new Negotiation/Interview/Counseling course will be a pure simulation course. It will build on experience in developing trial advocacy skills. There are no prerequisite requirements for this course.

Civil Law Clinic

There will be a single civil law clinic this year. This class will be coordinated with an externship.

Bar Review Rep

With the new school year, several new restaurants, bars and delis have opened near New York Law School. Of course, most of the old favorites survived the slow days of summer and will welcome the crush of students on August 20.

Tony's of Worth Street, down the block at 83 Worth, sustained several evening classes through the summer by sending in regular nightly dinner shipments. They advertise $1 draft beer.

The Square Diner, one block west and one block north of the school at 33 Leonard Street, offers a 15% discount to NYLS students with ID from 6:00 to 11:00 AM and 2:00 to 9:00 PM. It is a small diner, but the service is quick.

'Q's, three blocks south of the school at 47 Murray Street, (between Church and West Broadway) offers chicken, burgers, salads and sandwiches. They will also deliver.

The Blarney Star, at 43 Murray Street, was the scene of several Gaelic Law Students Association parties last year. Lunch is served, and there is stout on tap.

Stan's Sports Bar, at 57 Murray Street, was the scene of popular student watering hole last year. One liter mugs, special prices, bowling, basketball, darts, and foosball drew large crowds almost every night.

Puffy's Tavern, two blocks west and one block north of the school, has attracted NYLS students ever since the school moved to its present location. Quick service and copper topped tables keep bringing students back.

The Racoon Lodge, five blocks south of the school, at 59 Warren Street, attracts students with its authentic 50's "Honeymooners" atmosphere, chrome tail pipe juke box, pool table, darts, and cold beer.

The Burrito Bar, three blocks north of the school at 305 Church Street, is a favorite of several Reporter staffers. A late sixties decor and music, frozen drinks and excellent Mexican food, and a sidewalk cafe attract laid back law students.

Cultural Cornish

Campbell named Dean at NYU's School of Arts

The City's Cultural Affairs Commissioner, Mary Schmidt Campbell, has been named dean of New York University's Tisch School of the Arts, NYU announced. She will assume the post October 1, 1991.

Ms. Campbell has been the chief of Cultural Affairs since 1987. She previously served as executive director for the Studio Museum in Harlem for a decade and was curator of the Everson Museum of Fine Arts in Syracuse. A 1969 graduate of Swarthmore College, Ms. Campbell has an M.A. in art history and a Ph.D. in the humanities from Syracuse University.

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The Alumni Network

by I. Bryce Moses

[The Alumni Network is a regular feature in the Reporter designed to promote student awareness of NYLS alumni and their respective professions and accomplishments. Alumni are encouraged to keep the Network and the student body abreast of any development in their careers by writing. The Alumni Network c/o the New York Law School Reporter, 57 Worth Street, New York, NY 10013. This month's column focuses on the NYLS community serving in the judiciary.]

On September 24th, the New York Law school Alumni Association and the Board of Trustees will sponsor a cocktail reception in honor of NYLS alumni serving in the judiciary. The Hon. Nicholas Soucalas, NYLS '51, chairs the planning committee, which consists of seven judges representing various NYLS classes and all five boroughs of New York.

Alumni service in the judiciary can be traced back as far as the pre-World War I era. James B. Watson, NYLS '58, of the New services program for a national union. Also served as law clerk to Judge Ernst H. Martin, a criminal and civil litigation specialist in Manhattan. He became a black judge in New York in 1971. In honor of the centennial conference held this past April in which distinguished legal scholars and jurists from across the country gathered to discuss Harlan's judicial career and philosophy.

Judge Roger J. Miner, NYLS '56, attended the conference and participated as a panel member. Judge Miner is presently serving on the U.S. Court of Appeals for the Second Circuit. Also in April, three NYLS alumni were sworn in as New York City judges. Lorin Duckman, NYLS '73, and Martin Hershey, NYLS '51, will serve on the Criminal Court. Phillip Segal, NYLS '73, was appointed to the NYC Family Court.

Prior to his appointment, Mr. Duckman had been a criminal and civil litigation specialist in Manhattan. He also served as law clerk to Judge Ernst H. Rosenberg, NYLS '38, of the New York State Appellate Division, First Department, and was an ADA in Brooklyn. Mr. Hershey is a former Brooklyn ADA and prosecutor in the New York State Special Prosecutor's Office, based in Brooklyn. Mr. Segal was a legal services lawyer in the Bronx for 18 years, and has been a director of a legal services program for a national union.

These three join over eighty New York Law School alumni who serve in the judiciary.

The Right At Night

Liberalism dies of Snakesbite

Thomas Smith

I would like to extend a cordial welcome to all our 1st year students. Make no mistake, your first year in law school will be difficult in one form or another. Justice Antonin Scalia has an embroidered epigram displayed in his office simply stating: "Nothing is Easy". Keep that in mind and someday you may well be the next Clarence Thomas!

In between summer classes at New York Law School, I spent a great deal of time with friends and colleagues discussing the Thomas nomination. President Bush, Justice Marshall, David Duke, civil rights, affirmative action, race, politics and even Pee-Wee Herman were just a few of the names and topics mentioned during my mid-summer nights' Thomas debates.

Arguments for and against the nomination ran the gamut: "The new Court ignores precedents and is making its own law", "Thomas has no record on civil rights", "He is simply the best man for the job", "Blacks lack male role models who could ask for more", were just a few of the arguments. Arguments, along with the temperature, became more heated as the summer dragged on. Whether from perspiration or exasperation, my more liberal associates usually concluded with an epitaph for the left: "Justice Thurgood Marshall's departure from the Court was the last ray of hope for liberalism".

Overjoyed, I asked, "Liberalism dies with Marshall's retirement?" Are my lefty liberal friends so quick to write off the Brennan and Marshall liberal legacy? "Oh no!" they cried, "Bush is unwilling to give us a voice on the Supreme Court and he's just playing politics, precedents will be overturned!" This is exactly the type of response one might expect from a child who doesn't get his way (don't fret P.C. types, I'll use the feminine pronoun next time). Furthermore, that statement seems to echo the siren song of liberal thinking and politics: give us our rights, give us money for our programs, but for God's sake, let somebody else fight for our rights and let someone else pay for our ideas. In any event, if Justice Marshall's departure sign the death certificate of liberal causes then so be it! If these causes are dependent upon the legal analysis of one man, are they causes worthy of support? Maybe some of the precedents need to be overturned.

Chief Justice Rhenquist declared that the Court's doctrine of adhering to its own precedents is at its strongest in "cases involving property and contract rights" because we make commercial arrangements in reliance upon those precedents. Yes, reliance upon consistent judicial decisions is important to daily decision making and future planning. Given the state of criminal justice systems across the nation, I can only wonder who was relying on the precedents set by Justices Marshall, Brennan & Company. I guess criminals need to plan ahead, too.

Justice Marshall said what he believed and believed what he said. He believed that whether they be black or white, snakes bite! I'm not sure what Judge Thomas knows about snakes, but I'd like to find out. Maybe Senator Ted Kennedy can help him out. Surely there must be someone other than one opinion of our reptilian friends. Anyone telling you differentiate is selling snake oil. Each Supreme Court justice holds the office of the Court. They are speaking for the United States Constitution and not for some particular group, snakes or otherwise. Following sound judicial philosophies, we'll likely see a few less judicial amendments to the United States Constitution. Who knows, perhaps Judge Thomas will de-mystify the Natural Law theory.

Justice Marshall has served his country, and served it well. His judicial philosophy and legal analysis have contributed much to American society as a whole. I wish him happiness in retirement and Judge Thomas a long and successful tenure. More importantly, (P.C.'ers are you ready for this?) may God bless them both!

Thomas Smith, NYLS '94, is a second year evening student.

THE PASSWORD:

BAP BR!
**August**

14th: Orientation/First Year Students.
20th: Fall 91 Semester Begins.
   Parking Lottery. Sign up for the estimated 15 available spots at the SBA office. Sign up until Aug 28, 5:30pm.
20-27th: Add/Drop Week.
21st: Legislative day Monday Classes will meet.
26th: SBA Senate elections. First and Second year student will vote in class, all other will vote in the lounge.
27th: SBA first meeting
   Lesbian and Gay Law Student Association reception at 5:30 in the faculty dining room
28th 1-2pm: Deborah Howard of career Services in lounge
   Orientation for 2d year students.
   Faculty Dining room 5-7pm.

**September**

1st: Graduation for Summer 91 Class.
2d: Labor Day no Classes.
3d: Orientation for 3d year students, faculty dining room 5-7pm.
3-4th: Club day will be held from 2-6pm in the lounge.
5th: Orientation for 2d, 3d and 4th year students in the FDR from 5-7pm.
6th: SBA Budget Meeting.
9-10th: Rosh Hashanah No Classes.
12th: Panel on interviewing skills at the faculty dining room from 5-7pm.
15th: Centennial Carnival 1-5pm in the parking lot. Reservations Needed.
17-18th: Yom Kippur No Classes.

And coming up...

October 14th: Columbus Day No Classes.
November 28-29th: Thanksgiving Vacation.

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Top of the Pops: Paula Abdul, Guns n’ Roses, and... Nat King Cole?

Natalie Cole’s “Unforgettable” Album Soars Up the Charts

by the Reporter Features Staff

Natalie Cole’s remarkable “Unforgettable” has hit the top of the Billboard Pop Chart five weeks and 1.2 million copies after its release. That is an incredible achievement in the music industry, and even more so in light of the fact that the songs on the album are older than the 41-year-old Ms. Cole herself. All were originally recorded by her father, the late Nat King Cole, who died in 1965.

Elektra Records chairman Bob Krasnow, who signed Cole to the label, said, “I thought [the album] would go top ten... but the immediate reaction floored me.” Elektra had planned an entire strategy of radio and touring for Ms. Cole that would gradually build an audience for the record over several months. The company’s P.R. plan concentrated on getting air-time on jazz and adult contemporary radio stations, booking Cole on the “Tonight” show and getting the music on airline flight program rotations.

This campaign was supposed to peak in October, but quite unexpectedly, the record exploded into a much wider audience almost immediately upon release. Every age group began buying it, and mainstream pop stations, like local Z-100 and PLJ, began playing it without much prompting.

Kenny Hamlin, senior vice president for sales at Elektra says, “Most of their early sales came from mall retailers. Then the demographic widened out from 18 to 48. All of a sudden it exploded at Tower, K Mart, Wal-Mart, and it was number one at Musicland, biggest mall retailer. We’re now shipping about 175,000 to 200,000 copies a week, which means the record is performing like a ‘Motley Crue’ metal record.

“The shock of it all,” says Ms. Cole, “is that this record is getting any air play. It’s absolutely shocking to see it between Van Halen and Skid Row on the charts, totally out of its element. It should be encouraging to record companies and my contemporaries.”

Actually, it shouldn’t. Besides being one of the best albums of 1991, the record can be seen as a mirror of our times. Look at the changing demographics of record buyers. According to a study by the Recording Industry Association of America, the country’s leading music trade group, 35% of all money spent on records in 1989 was spent by the over-30 crowd, an increase of nearly 5% over 1988.

At the same time, younger buyers are looking for a smaller percentage of the market. This trend is expected to be even more pronounced for 1990 and 1991. These older buyers have been alienated by the rap, house and heavy metal music that dominates the pop airwaves. “Unforgettable” catches this trend perfectly, being precisely the kind of alternative older buyers are looking for.

Ms. Cole does a fantastic job on the title cut “Unforgettable.” You have to listen to the song two or three times before you fully appreciate the sweetness and power of this duet with her father, digitally mixed in the studio.

(Continued on Page 1 )

Central Simon

Just me, Paul Simon and 750,000 close friends in Central Park.

by Michael Simone

Paul Simon’s Central Park Concert made August 15th, 1991 the most memorable day of the summer for myself and a group of friends. We joined a crowd of over 750,000 well-behaved and civilized New Yorkers who brazenly predicted rain to see the musician perform.

In order to get a good view of the stage, we arrived at the park at 8:30am. The rain from the previous night kept all but the most determined fans from spending the night in the park. My finance and I spread out a king-sized bed sheet and staked our claim to a little swatch of territory just feet from the towering stage.

The heavy rains that were threatened never did materialize, and after a brief, cooling summer shower, the sun broke through. We were soon surrounded by people. Paul Simon’s music echoed from the hundreds of boom boxes around us until the engineers turned on the stage speakers and started to play some Creedence Clearwater Revival.

(Continued on following page)
**Movie Review**

**Terminator 2: Judgment Day**

by the Reporter Features Staff

It could only happen in Hollywood, "Terminator 2: Judgment Day," a film so expensive to make that most movie moguls said it would never make money, now looks like a sure winner. The Arnold Schwarzenegger power flick opened on July 3d and took in box office receipts of $54 million in its first five days.

What can we say? The movie really is a visionary piece; worth the $100 million price tag; it is filmmaking and video symbolism at its very best. It is a role that Arnold Schwarzenegger has been preparing for since his days as Conan. But to call "Terminator 2" a Schwarzenegger movie would be unfair. T2 actually has three co-equal stars giving fascinating performances: Schwarzenegger, Linda Hamilton's performance alone would make the movie memorable. Her character is almost animal-like; Sarah is predatory, fanatical, brilliant and dangerous.

In an article in Entertainment Weekly, Ms. Hamilton explains how she got into shape for the role by training with a personal trainer for three months before shooting began. Six days a week, ten hours a day, she ran, went hiking, swimming and stair climbing, and then did an intensive session with free weights. An Israeli commando was brought onto the set to teach her judo and put her through an intensified military basic training. Hamilton learned how to pump load, change magazines, load clips, verify kills, survey a room and live with her gun. All the basic skills of a killing machine. Indeed, Hamilton's character fits in perfectly with the style of "Terminator 2" which is of course, a PC movie. Its villain is a dark-blond, light-eyed and dark, brooding, and foreign. Western culture gets its knocks as well-- Corporate America as Cyberdine Systems and the U.S. military/L.A. Police as SKYNET is evil personified. T2 even manages to get a no-nukes plug in just for good measure.

But special effects a movie do not make, no matter how spectacular they are. And this with Cameron's directing and the power of the leading players becomes evident. Without the special effects or Mr. Schwarzenegger, Linda Hamilton's performance alone would make the movie memorable. Her character is almost animal-like; Sarah is predatory, fanatical, brilliant and dangerous.

The special effects that Industrial Light and Magic (the San Rafael, California, firm founded by George Lucas) and director James Cameron (The Terminator, Aliens, The Abyss) have created are anything before seen on the big screen. The T-1000 (played by Robert Patrick) melts through metal bars, metamorphoses into anything convenient, and is shattered into a million pieces by liquid nitrogen.

To get such sequences, ILM used a new technique called digital compositioning. Filmed footage is broken down by a computer into digital information and then manipulated in any way imaginable. Footage of actor Patrick and footage of the robot were shot separately, fed into the computer, and then blended together.

**Simon in the Park**

Until the concert began, we dared not move an inch. At first we asked the people who were walking back and forth over our blanket to please take off their shoes. Finally we told them to move to the back of the great lawn because there was no more room. We even had to set up barricades with our umbrellas. But the tension in the crowd melted away as soon as the music began.

Simon began the intro set with "The Obvious Child," a piece woven around experimental Brazilian rhythms. The crowd around us immediately jumped to its feet, and all previous thoughts of territory and blanket guards-keeping evaporated from our collective mass euphoria. All that a person needed was enough room to dance in his place. Simon played "You Can Call Me Ali" twice, with Chevy Chase joining him on the second go-around. Simon and Chase pantomimed the song; the way they did in the video, as did the crowd.

After more than two hours, Simon ended the show with two songs from his days with ex-partner Garfunkel: "America," and "Sound of Silence." Rumors that either Art Garfunkel or Billy Joel would show up to do a duet with Simon were rife through the crowd, but neither showed up. Simon played "Sound of Silence" with a country flavor, and served as the maestro of one of the biggest sing-alongs ever conducted.

The crowd, composed of a cross-section of New Yorkers and visitors from around the country, was peaceful and happy. The New York Police did an expert job getting everybody out of the park safely and quickly.

Several times during the concert, I overheard different people saying that "This could only happen in New York." I couldn't help but agree. It was a once-in-a-lifetime event, a day in New York that made the other 364 bearable.

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Borking Thomas
(From Page 23)
ishment precisely because throw into question the legitimacy of the entire post-60s civil rights movement. While most black Establishment leaders nowadays spend their time worrying about who sits where on the dias at the opening of yet another monument or memorial library, real black America has been experiencing one debilitation crisis after another. If Thomas is confirmed by the Senate, the voice of a black conservative will be heard from the nation's highest court on the critical issues that face the black community.

Though still relatively few in number, black conservatives have been gaining increasing influence in Washington, in law schools and on college campuses. Scholars like Thomas Sowell at Stanford, Shelby Steele at San Jose State, William Julius Wilson at George Mason University and Stephen Carter at Yale University forge the creed. Led by Rep. Gary Frank of Connecticut and J.Kenneth Blackwell, an unsuccessful GOP congressional candidate in Ohio last year, black conservatives have begun to find support from voters. In Washington, Michael Williams, an assistant secretary of education, and Robert Woodson, an adviser to housing secretary Jack Kemp, are helping to craft policy.

Most black conservatives tend to venerate the guarantees of equal opportunity and individual freedom contained in the Constitution and to uphold the federal government's role in defending those civil rights from the effects of discrimination and bigotry. Where many differ most dramatically with liberals is on programs such as affirmative action and welfare, which seek to redress past wrongs through government plans, quotas and mandates that conservatives say foster a debilitating dependency. The point is, black conservatism is a real movement in America, and black and white liberals alike who deride it as a psychological aberration perform a patronizing disservice to the American black community. Whatever a New York Law School student's position on Judge Thomas' ideology may be, it should not have to degenerate into a personal vindictiveness. There is more than enough to argue over with regard to the substantive merits of the Judge's nomination.

Katie O'Toole's
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Friend of the New York Law School Student for nine years,
Welcome students, old and new!
Every Wednesday night is student night—half price cocktails, draft beers.
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rooms were empty, dean Helm, on behalf of New York Law School, insisted that they leave.
Dean Helm then proceeded downstairs to berate the security officers and demanded to know how we got into the building. She then returned upstairs to her party.
I felt ashamed of my own school. On this day when all of New York was out to honor those men and women who were willing to give their lives for our peace and security, N.Y.L.S. slammed the door on several of their faces.

Later that day the two Navy officers graciously escorted me onto their ship, the U.S.S. America. Instead of ordering civilians off the ship, the Navy personnel on board treated us with courtesy and respect. The same cannot be said for Associate Dean Helms and New York Law School. New York Law School's message to me: "No guests allowed." New York Law School's message to the military: "Welcome home; Now get out!"

Steven Neuwirth
Lauren Williams

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21
Welcome, and welcome back!

It is good to meet new friends, and to see old friends once again. Many students worked on interesting projects over the summer, but now it is back to the law school grind. Several of our students passed the bar. Goodbye and good luck to editors Shirley Wong and Dan Mueli.

Celebrating Years of New York Law School, 1891-1991...

This is an exciting time to be pursuing a legal education, and our hundredth anniversary is a good time to do so at New York Law School. During the summer, the faculty, staff and administration of New York Law School have continued their efforts to improve the quality of education and the facilities necessary for that education. Building on the past success of the new library, several new classrooms were constructed. Outside the buildings, a new sidewalk, waterproofing and new paint improve the looks of New York Law School.

A similar bout of building and improvement has been undertaken in the curriculum. A new "Lawyering" class replaces the tedious "Legal Method". New intern and extern programs are being implemented. A new class, which will deal with interviewing techniques has been instituted.

Our first computer generated issue...

Like the school, the staff of the Reporter has worked over the summer to improve the quality of the school newspaper. Returning students will see many changes from last year's issue. The new look of the paper is due, in part, to our new desk top publishing program. The new layout design is made possible by the computer. Second year student Joe Conway spent many, many hours designing this new look over the summer.

The pages of the Reporter are, as last year, open to the students of NYLS. Please, join us. A new requirement for 1991 submissions is that, in addition to a print-out, they be made on an IBM format disk in one of the major wordprocessing programs, preferably Wordperfect. All of the library computers have Wordperfect 5.1 installed for the convenience of students. By accepting only material which is stored on computer disks, we eliminate the hassle of typesetting and typographical errors. In turn, this reduces costs and the time necessary to produce the paper.

Welcome back to New York Law School and welcome back to the New York Law School Reporter. Our office is in room C-102, next to the Student Bar Association office.

...and finally, its Pennoyer v. Neff time again

With the end of summer comes the inevitable start of a new school year. While most of us will be returning to our studies (hopefully both wiser and tanner), there is a whole new crop of 1L's just beginning their legal odyssey. To these brave souls, let us embark on one of the most bewildering and daunting few weeks in any thinking person's life, we wish them the best. Take a deep breath, don't get discouraged or embarrassed, and take refuge in the fact that for better or worse, you will remember these next few weeks for the rest of your life.

And 1L's, remember the case name Pennoyer v. Neff. You heard it first from us.

Letters to the

Abortion Rights

[This letter is a response to two articles regarding abortion that were published by the Reporter last semester].

As a member of a pro-choice group, WHAM! Women's Health Action Mobilization, I am compelled to respond to your drive about cellular rights vs. women's rights. Mr. Luongo first:

The veracity of "Silent Scream" is questionable at best, most of it being undocumented, not accepted by the scientific community, and intended entirely as a propaganda piece. The pregnant patient filmed in "Silent Scream" was an eleven-year old. I wonder how she got that way: by the rape or incest that you say creates an "acceptable" reason for an abortion? 90% of all rapes and incest go unreported. Under your standards, 90% of all women who become pregnant through these means would actually be classified as "disallowed for abortion."

Convenience and abortion: If you think something as physically draining and emotionally taxing as having an abortion is a convenience, especially when over 50% of all women seeking abortions did try to prevent a pregnancy with birth control that failed, why don't you try an appendectomy, with minimal anesthesia. This will give you a modest idea of what an abortion is like.

What about the life of the fully grown, fully functional, interactive, presumably non-dependent, rational woman who is pregnant and does not wish to...
AUGUST, 1991

How to Pick a Dean

by Michael Bressler

The faculty committee set up to choose the successor to Dean Simon might just take a cue from led with helpful hints as to what to choose the successor to Dean Simon at the end of this year. In a similar debate over Judge Clarence Thomas' nomination to replace Justice Marshall, the Op-Ed Pages across America are filled with helpful hints as to what makes a good Justice. But these same articles could just as well be written about the prospective appointees who will be replacing Dean Simon at the end of this year. In particular, an editorial by Yale Law School Dean Guido Calabresi (N.Y. Times, July 29, sec 5, p.15) provides criteria for nominating an individual to the Supreme Court; it should merit perusal by our own selection committee.

Dean Calabresi argues that Thomas will be a good candidate for two reasons: (1) he understands what discrimination means and wants to do something about it; (2) this understanding comes from personal experience. These qualities are to be contrasted with those of the present Court, which Calabresi describes as "homogeneous...grey Republicans." They all have had similar privileged prep school/Ivy League backgrounds, and have demonstrated no desire to understand the effects of their immanent decisions. Because of this, they may have little apprehension about taking away First, Fourth, Fifth, Sixth and Fourteenth Amendment rights.

Our faculty, like the Supreme Court, is also quite homogeneous. While "grey Republicans" may be a scarce breed in our corridors, our faculty have at least one degree (B, L.M., or J.S.D.) from a top five "national" school. All of them graduated from the top of their class, have written extensively, and are singularly dedicated to their own areas of expertise.

But few have done anything to help that forgotten minority at New York Law School: the NYLS student and graduate. Most of our faculty, like the current members of the High Court, have been fortunate enough to have never been subjected to discrimination on an academic level. Because of their backgrounds, they were assured of jobs upon graduation. Jobs of their choice. No NYLS professor was ever denied an on-campus interview because he or she was not ranked in the top 5%. No NYLS professor has ever had the heart-tearing experience of being told at an interview, "New York Law School? Where'd you get that degree, from the back of a matronly Op?"

All of our faculty members are among the most intelligent barristers in American graduate education, and all surely deserved their degrees and the fruits of their labors. But can these same faculty members relate to their students? The evidence appears to the contrary. They spend most of their time in the "exclusive" faculty dining hall, safely insulated from their students. They hold a big centennial colloquium, celebrating NYLS graduate Justice Harlan, but most students are not invited. They write substantial law review articles, but never discuss their work in the class room or with students. Might they assume that as "blue collar" law students, we only are interested in the small picture? (This is New York Law School, not St. John's.

And most significant: Not one faculty member is a New York Law School graduate. Not one. Can any other law school say the same thing?

So what is the solution? Appoint a New York Law School graduate. This may surely only be a symbolic gesture, but it may send the right signal to the student body. If New York Law School will not even consider hiring a New York Law graduate, then who will?

On 'Borking' Judge Thomas

by Patrick Benn

White and black liberals alike have been thrown into a frenzy of intellectual self-immolation over the nomination of Judge Thomas to the Supreme Court. All of them have jumped through hoops in an attempt to oust one another's personal viciousness in attacking Judge Thomas. Regardless of how one views the Thomas nomination, no American citizen seeking a high office should have to be subjected to the psychological inquisitioning and personal bating that Judge Thomas, like Judge Bork before him, has been.

Eleanor Holmes Norton, speaking on the MacNeil/Lehrer News Hour the night Judge Thomas' nomination was announced, claimed that Thomas existed outside the "black experience in America." Derrick Bell of Harvard Law compared Thomas to the bootlicking slaves who were made overseers by their white masters. Howard University professor Ronald Walters said Thomas was "estranged" from his "blackness." Professor Haywood Burns of CUNY Queens Law School compared Thomas to a snake, and filmmaker Spike Lee is positive that Malcolm X would call Thomas "a handkerchief head, a chicken-n'-biscuit-eatin' Uncle Tom."

The New York Times, ever the PC news conduit, felt compelled to consult with the well-known black psychiatrist Dr. Alvin F. Poussaint of Harvard in order to determine exactly how a seemingly educated black man could distort, torture, delude and stray himself into conservatism. Dr. Poussaint assured the Times that black conservatives were obviously debilitated by a "high level" of anger, which "gets displaced on other blacks who criticize them for their conservative views."

Actually, the Thomas nomination simply means that black conservatives have made a giant stride toward one of their principal objectives: recognition that a true pluralism of thought, philosophy and leadership does exist among black Americans. Judge Thomas' nomination is threatening to the liberal Establishment.

(Continued on Page 21)

Trouble at CUNY

by Nicholas Penkovsky

This past April, vividly demonstrating the destructive potential of Governor Cuomo's proposed budget cuts to the City University of New York, a number of CUNY students occupied buildings on almost all CUNY campuses. CUNY, the university of the poor and working class of the city served for many years as the ticket to a better future for so many millions of citizens in the past. The question is whether it will be there tomorrow for the next wave of citizens who so desperately need it.

In 1969, in response to the demands of City College students to integrate an overwhelmingly white body, tuition was imposed for the first time in CUNY's 132-year history. This resulting drop in enrollment was nearly 25%. The university which provided a free college education to Jonas Salk, Felix Frankenfurter, Bernard Baruch and Colin Powell was now in the process of closing its doors to the sons and daughters of the poor, the immigrant and the working classes. The idea of education as commodity became part of the CUNY education philosophy as people of color were being educated.

The ensuing 15 years have seen continued tuition increases at CUNY. This year, draconian budget cuts coupled with a more than 30% tuition increase and the silence of campus administrators and CUNY Central officials to this impending crisis forced a group of students into action. The occupations were phone banks, letter writing campaigns, lobbying trips to Albany, and mass public demonstrations. These efforts failed to elicit any response from the legislature, the Governor, or CUNY officials.

Finally, in an effort to dramatize the seriousness of the situation, students occupied buildings across campuses.

The occupations drew the attention of people across the country to the crisis in public higher education. Unfortunately for the students, the response from CUNY officials came in the form of court orders, arrests and college disciplinary charges.

While everyone claimed to (Continued on Page 21)
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