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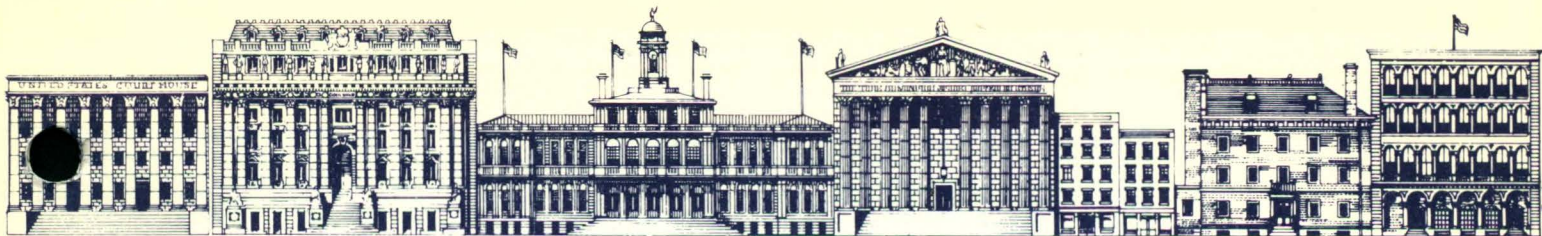
New York Law School

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A NEW YORK LAW SCHOOL PUBLICATION FROM THE OFFICE OF DEVELOPMENT AND ALUMNI AFFAIRS: / VOL. III, No. 2, November 1980

NYLS In Brief



Over 360 alumni gather to re-establish friendships and to greet Guest Speaker New Jersey Governor Brendan T. Byrne at the Annual Alumni Dinner.

Credit: Jerry Soalt

Reunited Graduates Honor Governor Byrne At Annual Dinner

Amidst the beauty and opulence of the Plaza Hotel's Grand Ballroom, Annual Dinner Chairman Richard M. Flynn '57 greeted over 360 alumni. Journeying from the metropolitan area and as far away as Hawaii, Colorado, California and Florida, guests gathered to renew old friendships and extoll the outstanding achievements of NYLS and its Alumni Association.

During the October 30 Dinner, nine classes—1925, 1930, 1940, 1950, 1955, 1960, 1965, 1970 and 1975—celebrated important reunions, and the members of the Class of 1930 were honored for their fiftieth anniversary as NYLS graduates.

The evening's highlight was the conferral of the Dean's Medal upon New Jersey Governor Brendan T. Byrne, an honorary alumnus. Upon presenting the award, Dean E. Donald Shapiro

said, "Brendan T. Byrne, attorney and dedicated public servant, is destined to continue to make significant contributions to the legal profession, the enlightened administration of government and a just and humane society."

A former Justice of the New Jersey Superior Court, Governor Byrne's speech blended both humor and perceptive insights.

He posed a number of provocative questions: "Have we (as attorneys) fully examined whether we are achieving justice? Have we sat back and asked, 'Does the whole system make sense?'"

Governor Byrne added, "Perhaps we need to give thought to the basic concepts we learned while in law school."

Another Dean's Medal was awarded to Professor Zuhayr A. Moghrabi '67 for his meritorious service as an alumnus and adjunct faculty member.

Dean E. Donald Shapiro hailed the scholarly achievement of another faculty member—Professor James F. Simon, whose new biography, *Independent Journey: The Life of William O. Douglas*, has been enthusiastically reviewed by the *New York Times*, the *Washington Post* and *Time Magazine*.

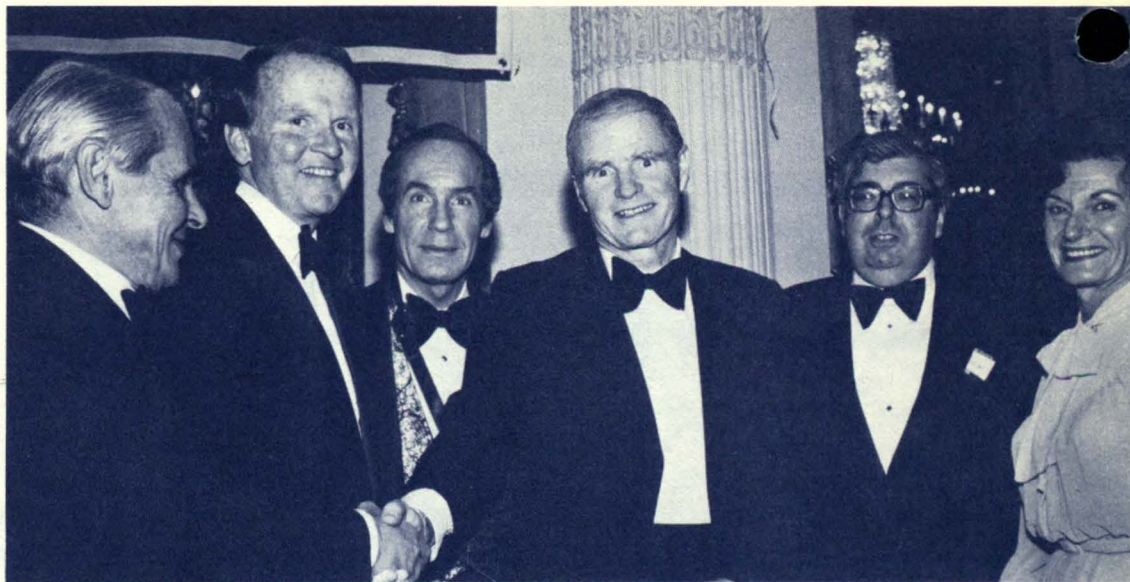
Dean Shapiro also announced that David Finkelstein, Vice Chairman of the Board of Trustees, has arranged for a \$50,000 grant from the Grand Street Boys Foundation to endow the "John V. Thornton Leader in Law Award." Named after the distinguished Chairman of the Board, the Award is the first in the country to honor those lawyers in private or corporate practice whose service often goes unheralded. "To my mind, the 'John V. Thornton Leader in Law Award' is a vital

part of the educational mission of New York Law School to establish closer ties with the practicing bar."

In a deeply moving speech, Hon. William Kapelman '40, outgoing President of the Alumni Association, thanked alumni for helping the Association to become an effective communications network. During his presidency, the number of Association members has doubled—from 800 to 1,600.

In closing, Justice Kapelman said, "The greatest function our Alumni Association can perform is to help open the doors of New York City law firms to NYLS graduates. See to it that in your respective law firms—large or small—those graduates of NYLS have the opportunity to compete . . . for law positions."

Scenes From the Annual Alumni Dinner



Governor Brendan T. Byrne (center) converses with members of the NYLS Community: (left to right) Hon. William Kapelman '40, Richard M. Flynn '57, Professor Zuhayr A. Moghrabi '67, Dean E. Donald Shapiro, and Sylvia D. Garland '60, a Trustee of the Law School.



Judge Kapelman (left) and Dean E. Donald Shapiro (right) present Professor Moghrabi with the Dean's Medal for dedicated service to his alma mater.



Dean Shapiro (left) congratulates Governor Byrne after the presentation of the coveted Dean's Medal.



In a moving speech, Judge Kapelman, outgoing President of the Alumni Association, declares that NYLS has made its mark upon the City of New York.



Annual Dinner Chairman Richard M. Flynn '67 introduces the nine reunioning classes.



Governor Byrne (left), Marcia Simon and Professor James F. Simon discuss Professor Simon's new book, *Independent Journey: The Life of William O. Douglas*.



(From left to right) Benjamin Botner '29 and Herman Zuckerman '29, members of the NYLS Board of Directors, converse with Alexander K. Klein '30 at the cocktail reception.



David Finkelstein, Vice Chairman of the Board of Trustees.



(From left to right) Hon. Jules E. Orenstein '58; Hon. Shirley Kram; Hon. Mary Cerbone '59, a member of the Board of Directors; and Professor Otto L. Walter '54 socialize.

NYLS in Brief

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Moot Court Debate

When alumnus Roy H. Rudd '71 invited five members of the Moot Court Organization to debate a controversial issue before prominent attorneys, the result was a lively and informative evening. During the annual meeting of the Catholic Lawyers Guild, held at the Harvard Club, Margaret Enloe '82-moderator, Mark J. Astarita '81, Margaret Sandercock '82, Michael Costa '81 and Deirdre Heatwole '81 tackled the various facets of the capital punishment issue. Also during the meeting Mr. Rudd, Assistant Secretary and Counsel to the Continental Insurance Company, was elected President of the Guild.

In support of the merits of capital punishment, Mr. Astarita provided the historical precedents, and Mr. Costa discussed the economic and social benefits. On the other side, Ms. Sandercock and Ms. Heatwole argued against the death penalty from a legal and social viewpoint.

The Moot Court hopes to participate in similar programs in the future, according to Ms. Enloe. "Such debates provide exposure to individual students and reflect well on New York Law School," she said.

Graduates Win ASCAP Awards

Two 1980 graduates have captured the top prizes in the American Society of Composers, Authors and Publishers' Nathan Burkan Memorial Competition held at NYLS. Robert S. Meloni won the \$500 First Prize for his essay entitled "The Works Made For Hire Doctrine Under the 1976 Copyright Act." Jeffrey E. Jacobson's essay concerning "Fair Use: Considerations in Written Works," was selected as the \$200 Second Prize winner. Both essays will be considered for the National Burkan Awards to be held at a later date.

Viewpoint

The Silent Victims of Health Care

By Lonn E. Berney '75

There is nothing that people will not do to recover their health and to save their lives. Each year 34 million Americans are admitted to hospitals, and each of us will be hospitalized an average of eleven times before we die. By spending 40 billion dollars annually on hospital care, the unfortunate result is that few patients are completely satisfied with the way they are treated in hospitals.

Patients rightfully resent the all too common impersonalized and patronizing manner with which they are treated. Insensitivity and condescending attitudes of health care practitioners undermine the human rights and dignities of patients; they also help to perpetuate the ignorance about medical treatment and health care.

I am personally angered and anguished over paternalizing doctors assuming responsibility for the care and treatment of patients. When a person enters a medical facility in need of medical treatment, he/she is immediately at risk. The patient has little control over what medicines are administered or tests and surgery conducted. Voltaire's observation still rings true: "Doctors pour drugs of which they know little to cure diseases of which they know less into human beings of whom they know nothing."

The relationship between the doctor and patient is an unequal one. On the one hand, the sick, sore or lame person desperately needs help; on the other hand, the "expert" addresses those needs. How could such an inequitable situation truthfully allow for free interplay and communication of respect and ideas?

Informed Consent

One safeguard for the protection of patients' rights is the doctrine of Informed Consent. It consists of two separate elements: 1) the doctor must first disclose a certain amount of information to the patient concerning the proposed treatment, its risks and alternatives, and 2) thereafter must obtain the consent of the patient before commencing with treatment. The information conveyed must include all of the material facts of the treatment proposed, including the risks of death; of



serious bodily injury; the probability of success; the alternatives to the treatment, including non-treatment; and the risks and probabilities of success.

Courts in this country differ on what facts are material; some leave this to the discretion of the physician or medical community, while others base it on the patient's needs. However, once this information is obtained, the patient's consent must be competent, understanding and voluntary. In other words, the patient must legally be capable of giving consent (not a minor, or patient who has been adjudged legally incapable of consenting to treatment, or is otherwise incapable of consenting to treatment), must comprehend the information disclosed, and must not be coerced into consenting.

Regaining Control

Makar, a Russian farmer, once caught a hare. What a fine large animal, he thought to himself, with such a sense of drive for freedom. Makar locked this hare in a cage and the rabbit raged and beat against the walls. Eventually he calmed down and would eat from Makar's hand. One day after several months of incarceration, the rabbit was accidentally set free. From the distant forest came the sounds and smells of freedom. He had left his cage behind; yet he sagged somehow and his alert ears drooped. He turned sluggishly and jumped back into the cage. Makar closed the door, but it was unnecessary. Because the rabbit now carried the cage within him. It bound his brain and paralyzed him. Freedom had vanished like a wind-driven fragrance.

Like Makar's rabbit, we must

not yawningly allow the fabric of our personal dignity and humanity to become threadbare. Doctors have become quite adept at knowing the physical makeup of our brain and body; however, they are ill-equipped to deal with our dreams, emotions and spirit. Yet we need to inform doctors that true human health transcends purely biological health. It also depends on those conscious and deliberate choices by which we select and adapt to our mode of life.

Many compassionate and progressive doctors are now beginning to view patients as a "whole" and not by their anatomical parts. But it is up to the patients to gain control over the situation and to demand their rights. The real tragedy in many circumstances is not the attitude of the medical practitioner, but the silence of the potential, or actual, victim. Most people are afraid to question the "all-knowing" doctor's authority. Many of us feel the physician's time is too valuable to spend elucidating their diagnoses and responding to our questions.

And yet only by asserting our rights will we gain control over the situation of our own health. Our yells and complaints must stand as a concentrated expression of the beginning of human dignity and respect in that relationship. It is our way of leaving a trace, of telling how we lived and how we died; by this act we assert our right to live.

The measure of our humanity will always reside in our ability to hold opposites in a just relationship; our ability to survive as neither angels nor devils, sensualists nor saints, but something beyond the two, something which can assimilate both. This is both our destiny and our imperative.

A member of the firm of Berney & Zweben, Lonn Berney is a trial lawyer whose areas of practice include criminal, medical malpractice and products liability cases. In addition to hosting his own weekly radio show on WOR, Mr. Berney teaches the course, "Anatomy of a Trial," for Community Action Legal Services.

Profiles: Professor James F. Simon

Years of intensive research had preceded the interview. For most of this period, he had been absorbed in studying his subject's life. But even with the comfort of this knowledge, he approached the initial meeting with some trepidation.

At the beginning of the interview, the former Supreme Court Justice was distant and suspicious, closely scrutinizing the writer. But as the afternoon progressed, Justice William O. Douglas began sharing anecdotes and opinions about the famous people he knew.

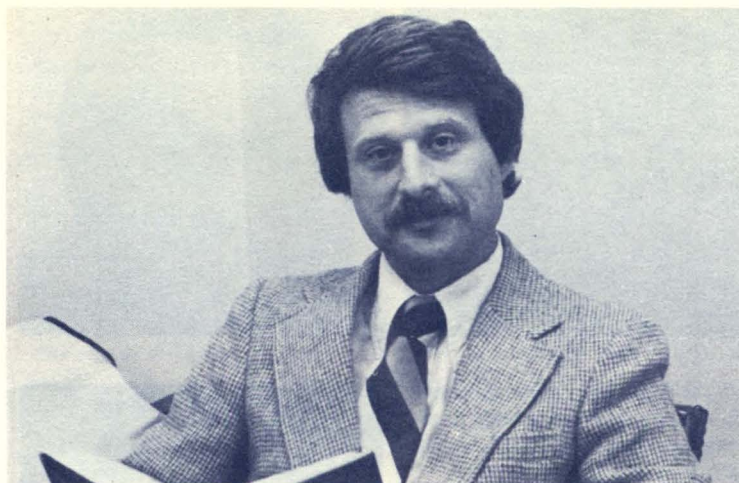
NYLS Professor James F. Simon's observations and impressions upon meeting Justice Douglas are recorded in the opening chapter of his recently published, 500-page biography, *Independent Journey: The Life of William O. Douglas* (Harper & Row, New York, 1980), which has received high praise from the *Washington Post*, *Time* magazine and the *New York Times*.

In the chapter entitled "Interview," Prof. Simon captures the essence of both the public figure and the private man: "William O. Douglas lay motionless, his frail body warmed by a wool blanket and supported by a reclining leather chair. . . . After I sat down, he said nothing. . . . It occurred to me that Douglas had been listening to every word, calculating, judging, controlling the situation," he writes.

To gain insight into Justice Douglas' character, Prof. Simon travelled across the country to speak both with friends and adversaries. He interviewed members of the U.S. Supreme Court in Washington, D.C., Justice Douglas' sister in Chicago and his family in Washington State. In Justice Douglas' birthplace of Maine, Minnesota, Prof. Simon spoke to village residents whose relatives remembered the Douglas family at the turn of the century.

While winters were devoted to conducting interviews, Prof. Simon spent summers in his West Nyack home piecing together the fragments of Justice Douglas' life. By the end of his work, he had developed a deep respect for the man whom he calls "one of the last American heroes."

"Douglas wore cowboy boots and shirts, and denim jeans," Prof. Simon asserts with relish.



Professor James F. Simon

"He climbed mountains and fished and travelled all over the world. Then he stood up for civil liberties, all the time writing a book a year. There are not many people like that."

A prolific writer, Prof. Simon is the author of two other books. *In His Own Image: The Supreme Court in Richard Nixon's America* (David McKay, New York, 1973) won the American Bar Association's Silver Gavel Award. Another work, *The Judge*, chronicles a week in the life of a criminal court judge.

"Writing comes easily to me," Prof. Simon says. "Once I get started, I only need blocks of time in total isolation to establish a rhythm."

His interest in writing took root while studying law at Yale Law School. At a writing and law seminar, Prof. Simon was intrigued by the idea of writing about legal concepts. His teacher, the late Prof. Fred Rodell, in turn, was impressed with Prof. Simon's abilities.

He helped Prof. Simon to obtain a summer position at the Washington bureau of *Newsweek* magazine, where his supervisor was Ben Bradlee, now the Executive Editor of the *Washington Post*.

Mr. Bradlee was an invaluable teacher and role model, Prof. Simon recalls. "He looked and acted just like I thought a tough journalist would. I tried to imitate him, hoping some of the talent would rub off!"

After graduating from Yale Law School, Prof. Simon was awarded a Ford Foundation Fellowship and spent a year in Uttar Pradesh, India, supervising economic development projects.

In 1965, he returned to the United States to work for an economic consulting firm in Washington, D.C. But he missed the satisfaction of writing, and the prospect of a journalism career appealed to him.

Prof. Simon applied to top newspapers all over the country and was hired as a reporter for the *St. Louis Post-Dispatch*. After acquiring two years of solid reporting experience, Prof. Simon sought a position with *Time* magazine, and was selected as its law specialist, and later was made a Contributing Editor. By withstanding the pressures of such a demanding position, he developed the discipline to pursue more intensive writing.

After receiving high praise from his colleagues for a story concerning the transition from the Supreme Court under Chief Justice Earl Warren to the Court under Chief Justice Warren Burger, Prof. Simon ventured to expand his article into a full-length book.

Upon receiving a ten-month leave of absence from *Time*, he interviewed members of the Supreme Court, law professors, government officials and legal scholars to explore the Court's transformation "from a tribunal of unprecedented legal daring to one of modest aims and self-limiting accomplishments," as he writes in the book's epilogue. The *New York Times* commended *In His Own Image* as a "lucid and documented work that is refreshingly objective."

Not only did *In His Own Image* win the praise of the critics, it also helped him to launch a new career in academia. Impressed by Prof. Simon's perceptive writing,

a Yale professor, the late Alexander M. Bickel, suggested he investigate teaching a course at Yale University.

His interest in teaching kindled, Professor Simon taught classes on the Modern Supreme Court at Yale and at Hofstra University. While teaching his courses and writing for *Time*, Prof. Simon conceived of another book idea: the professional life of a criminal court judge.

Prof. Simon received a second sabbatical from *Time* to write *The Judge*, but this time his departure was permanent. His decision to relinquish a coveted position for the relative insecurity of writing was a difficult one.

"I either had to be a journalist for *Time* or a free-lance writer. I decided to be a writer," he says.

While researching *The Judge*, Prof. Simon was awarded a Harvard Law and Humanities Fellowship and completed his work at the Cambridge campus. He realized at Harvard that teaching full-time at a law school would afford him the freedom to write as well as to teach. Impressed with Dean E. Donald Shapiro's goals for New York Law School, Prof. Simon joined the full-time faculty in 1975. His teaching credits include Constitutional Law, Law and the Media, the Modern Supreme Court and Criminal Procedure.

"I really like teaching, and I especially like teaching *here*," he says ardently. "By lecturing on subjects such as Constitutional Law, one is teaching politics and history as well as law. For me the excitement lies in knowing there are fallible human beings writing these opinions, and there are personal and political influences—as well as legal doctrines—shaping the Court's decisions."

With the publication of *Independent Journey* in October, Prof. Simon's attentions have focused upon publicity efforts, teaching his NYLS courses in Constitutional Law and Law and the Media, and devoting time to his wife, Marcia, and children, David, Lauren and Sara.

Anticipating the inevitable question about future writing projects, he quickly responds, "My editors at Harper & Row are talking about a new proposal, but I'm not, not yet. But come to see me next spring and I will probably have written an outline for another book and sent it off to my agent!"

Spotlight on 1980 Election



Hon. Eli Wager



Hon. Benjamin A. Gilman



Hon. Mario Biaggi



Guy V. Molinari

Members of the NYLS Community scored impressive election victories at the polls this month. Hon. Eli Wager '54, Congressman Benjamin A. Gilman '50 and Congressman Mario Biaggi '63 waged successful re-election campaigns; Guy V. Molinari '51 was elected to the Congress; and NYLS Professor Kristin Booth Glen and Richard Lee Price '64 won seats on the Civil Court.

A Vice President of the Board of Directors of the Alumni Association, Judge Wager will serve his first full term as Justice of the Supreme Court of the State of New York (10th J.D.). He was appointed a Justice in 1976 after being selected by the Governor's Judicial Nominating Committee. Formerly a member of the firm of Wager, Ginsberg, Ehrlich and Hoffman, Judge Wager served four terms in the New York State Assembly.

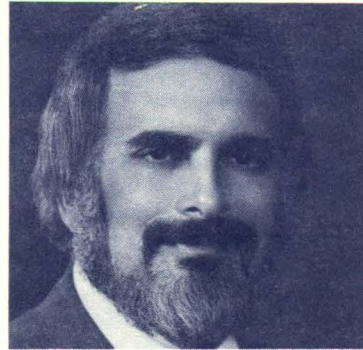
Hon. Mario Biaggi (R-NY) was re-elected to the congressional seat he has held for eleven years (10th C.D.). A highly respected Congressman and champion of the City, he has been active in the areas of mental health, veterans' benefits and the rights of the elderly.

A former State Assemblyman, Hon. Benjamin A. Gilman (R-NY) won a fifth term in the Congress (26th C.D.). Congressman Gilman is the Ranking Minority Member of the Inter-American Affairs Sub-Committee, House Foreign Affairs Committee, and has been responsible for bringing Americans held in foreign prisons back to their homeland.

Guy V. Molinari (R-NY) defeated incumbent John Murphy to win a seat in the House of Representatives (17th C.D.). A member of the Republican and Conservative Parties, Mr. Molinari served three terms in the New York State Assembly.

NYLS Professor Kristin Booth Glen has won a county-wide seat on the Civil Court. A new member of the faculty, Prof. Glen will continue teaching at NYLS as an adjunct professor. (See *New Faculty* article, p.7.)

Another new member of the Bench, Richard Lee Price has been elected to the Civil Court (2nd M.D.). In his previous position as Chief Law Assistant to the Civil Court, Mr. Price was responsible for overseeing the Law Department. He also has served as Law Secretary to Civil Court Justice Harry W. Davis.



Richard Lee Price

STATEMENT OF OWNERSHIP, MANAGEMENT AND CIRCULATION

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B. Paid Circulation		
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2. Mail Subscriptions (No Subscriptions; Mailing list only)	None	None
C. Total Paid Circulation	None	None
D. Free Distribution by Mail, Carrier or Other Means; Samples, Complimentary and other Free Copies	10,000	10,500
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Completeness and correctness of this statement certified by Lucille M. Hillman in accordance with the provisions of 39 U.S.C. 3626.

Newsmakers

Seventeen NYLS students appeared on Lonn Berney's '75 WOR radio program, "Anatomy of a Law Student." The students were:

Robert G. Hicks '82
Juan A. Lopez, Jr. '82
Edward D. Penn '81
Alfred A. Pierri '81
Shelley R. Rossoff '81
Robert F. Salvia '82
Mark H. Conrad '81
Geoffrey Swaebe '82
Margaret B. Sandercock '82
Joseph J. Mania '81
Darryl M. Semple '82
Wayne D. Kurzner '81
Erik M. Strangeways, Jr. '82
Quentin F. Atherley '81
Michael A. Costa '81
Robert J. Conroy '81
Claire Hancock '82

Students in the Communications Law Clinic helped prepare a brief for a U.S. Supreme Court case, *FCC v. WNCN Radio Listeners Guild*, 79-824-827. The brief which Michael Hassan '81, Susan Bodine '81, Mark Conrad '81, Joseph Rosenzweig '82, and Ira Abel '81 helped prepare supported the disaffected listeners.

Robert Salvia '82 has accepted a summer associate position with Dewey, Ballantine, Bushby, Palmer & Wood.

Clifford Warren '81 has accepted a permanent position with Breed, Abbott & Morgan.

Suzanne Albin '82 co-authored an article entitled "Social Change: TV Coverage of Women in the Workforce" in the *Policy Studies Journal*.

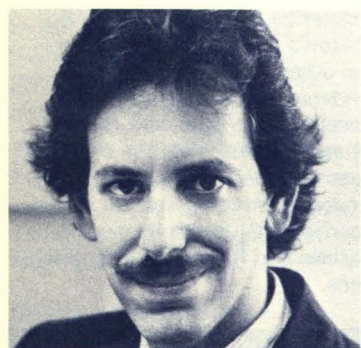
New Full-Time Faculty



Prof. Richard D. Baxter

Professor Richard D. Baxter

As an associate with the Wall Street firm of LeBoeuf, Lamb, Leiby & MacRae and tax counsel for the Florida firm of Ruden, Barnett, McClosky, Schuster & Russell, Professor Baxter has had extensive experience in the practice of taxation, corporate law and commercial law. In the Fall, 1980 term he is teaching Corporations, and in the spring of 1981 he will teach Corporations and Corporate Taxation. A graduate of Columbia Law School, Professor Baxter also holds an M.B.A. from the Columbia Business School.



Prof. Arthur Best

Professor Arthur Best

Formerly First Deputy Commissioner of the New York City Department of Consumer Affairs and an attorney for the Federal Trade Commission and the Federal Communications Commission, Professor Best is an expert in consumer advocacy, unfair trade practices and advertising regulation. In Washington, D.C., he assisted Ralph Nader as a project director of the Center for Study of Responsive Law where he directed a study of the handling of consumer complaints across the United States. A former Professor at Western New England College School of Law, Professor Best is teaching Administrative Law and Evidence during the 1980-81 academic year.



Prof. David R. Lowry

Professor David R. Lowry

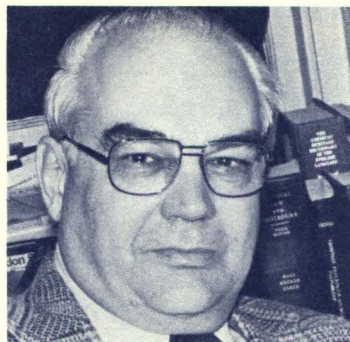
As NYLS' full-time specialist on Labor Law, Professor Lowry's labor law experience includes extensive service as an arbitrator. In addition to his teaching duties, Professor Lowry serves as coordinator of the NYLS-sponsored Robert F. Wagner Labor Law Moot Court Competition. A native of Northern Ireland, he holds law degrees from Queens University in Ireland, Columbia University and New York University. Before coming to NYLS, Professor Lowry was a full-time member of the Pace Law School faculty. He is the author of numerous articles on labor law and human rights.



Prof. Ira Mickenberg

Professor Ira Mickenberg

A graduate of Williams College and New York University School of Law, Professor Mickenberg is a Clinical Instructor in NYLS' Criminal Defense Clinic. He was formerly a trial attorney for the Legal Aid Society, where he tried felony cases and trained recently hired Legal Aid attorneys. Professor Mickenberg directs the clinic students in the preparation of defenses in misdemeanor and felony cases in addition to helping them to improve their advocacy skills and interviewing techniques.



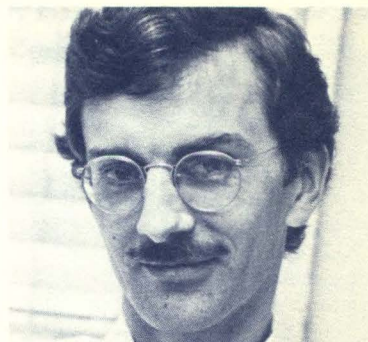
Prof. B.J. George, Jr.

Professor B.J. George, Jr.

A recognized authority in the fields of Criminal Law, Criminal Procedure, Family Law and Japanese/American Comparative Law, Professor George brings with him to NYLS the reputation of distinguished teacher and scholar. Formerly Acting Dean and Professor of Law at Wayne State University Law School, he was a tenured Professor of Law at the University of Michigan Law School, Visiting Professor of Law at Yale Law School and Professor of Law at several universities in Japan. As Visiting Expert at the United Nations Asia and Far East Institute for the Prevention of Crime and Treatment of Offenders, and as Visiting Lecturer at the University of the Ryukyus, Naha, Okinawa, Professor George has made fourteen extended tours of Japan since 1955. He has served as Chairperson of the American Bar Association Section on Criminal Law and as President of the Southwest Legal Foundation.

Professor Kristin Booth Glen

Professor Glen, a graduate of Stanford University and Columbia Law School, teaches Constitutional Law and Family Law. In the Fall, 1980 semester, Professor Glen is teaching Constitutional Law in the six-year joint B.A.-J.D. Urban Legal Studies Program of NYLS and City College. An experienced litigator in the areas of Family Law, Women's Rights, Criminal Procedure and Constitutional Law, Professor Glen has had, with Professor Lisa Blitman, general supervisory responsibility for the Civil Trial Clinic, in addition to her other teaching duties. On November 4, Professor Glen was elected to the Civil Court serving New York County. She will continue her teaching at NYLS as an Adjunct Professor of Law.



Prof. John L. Welch

Professor John L. Welch

Professor Welch, who joined the full-time faculty in June, teaches Civil Procedure and supervises the Legal Writing Program during the Fall, 1980 semester. A legal writing instructor himself at NYLS for two years, he oversees the 18 legal writing lab sections taught by legal writing instructors and teaches the bibliographic lecture sections of Legal Writing. During the spring semester, Professor Welch will teach trademarks in addition to Civil Procedure. A Summa Cum Laude graduate of the University of Illinois, Professor Welch received his J.D. from Harvard Law School. He has practiced patent, trademark and copyright law in New York and Boston.



Prof. Kristin Booth Glen

Photo of Prof. Glen: Jeanie Black

P.L.E.A. Speakers Tackle New Divorce Law Issues



Burton I. Monasch lectures concerning tax considerations of the new law.



Willard H. DaSilva differentiates between a separate and marital asset.

If New York's Equitable Distribution Law has raised difficult questions for attorneys, the Alumni Association's P.L.E.A. program has supplied some answers. On October 21, three experienced matrimonial lawyers provided insight into such areas as tax considerations, and marital property and separate property during the second Divorce Law seminar chaired by Hon. Eli Wager '54.

Willard H. DaSilva, Vice President of the New York Chapter of the American Academy of Matrimonial Lawyers and Counsel to the firm of Barandes, Rabbino & Arnold, explained the difference between marital and separate assets.

"Everything acquired is a marital asset," he explained. "Carved out of that are certain specific items which are called separate assets." Separate property includes property acquired before marriage, by inheritance, or by a gift from a party other than a spouse. Compensation for personal injuries or the increase of value in separate property are also exceptions to marital assets.

During the lively discussion, questions invariably arose. Would stock that a spouse receives as a gift and which appreciates during the marriage be considered marital property? Only if the stock appreciated due to the advice of the spouse, Mr. DaSilva explained.

Would marital debts be divided equally? "Yes," responded Mr. DaSilva, "If the other spouse had knowledge of the debts."

What about fees under the new law? After briefly reviewing

the laws of other states, Mr. DaSilva said, "I don't see where contingent fees are ethical. . . . But an agreement with a client may be reached where part of a fee may be based on results achieved."

"Nothing in the law is fixed," Mr. DaSilva concluded. "We're going to have a lot of problems."

Julia Perles, senior partner in the firm of Phillips, Nizer, Benjamin, Krim & Ballon, saw the law providing a firmer base. After citing inequities in the previous system—women forced to accept inadequate settlements, men dismissed from family businesses—she contended that the recently approved law will allow for fairer treatment.

With regard to estimating the value of marital property, Ms. Perles said attorneys must gain the services of an ethical and competent accountant "whose testimony will hold up in court." It is also incumbent on the attorney to carefully evaluate quoted values since the spouses' estimates may differ significantly.

Burton I. Monasch, a member of the firm of Monasch, Chazen & Stream, reviewed the tax considerations that come under the bill. He explained which items would be deductible and includable, and cautioned attorneys to consider the client's tax bracket when reaching a settlement.

The October 21 program marked the last seminar regarding the new act. Spring seminars will feature Intellectual and Industrial Property on February 17 and Bankruptcy on March 24.

Environmental Law Society Stages "Mini-Debate"



(From left to right) Robert Klingon and David Licht listen as Clay Maitland defends Ronald Reagan's energy policies.

Only hours before the "Great Debate," NYLS hosted its own pre-election forum where representatives of the major Presidential candidates argued their candidate's views concerning environmental issues. Sponsored by the Environmental Law Society, the event also proved to be a homecoming for NYLS graduate Clay Maitland '68, who said he was "astonished" by the great changes which have taken place at the Law School.

Mr. Maitland asserted that Governor Ronald Reagan would improve environmental policies through de-emphasizing federal regulation and streamlining the government. "By eliminating the fat in the government, the Environmental Protection Agency would operate more efficiently,"

Mr. Maitland said.

Supporting the current Administration's record for protecting the environment, attorney David Licht reviewed the legislation enacted during the last 3½ years. "President Carter feels a concern for the environment and well-being of the planet," he asserted.

While all three candidates exhibited a keen concern for environmental issues, only John Anderson's policies diverged from the others. Reiterating Mr. Anderson's well-publicized proposal to enact a 50 cent tax on oil and to deregulate the oil industry, Robert Klingon said Mr. Anderson's recommendations "consolidate" previous gains and policies and forge ahead to new ones."

The Docket

December 18 *Annual Meeting* of the New York Law School Alumni Association, 6:00 p.m., Moot Court Room, 57 Worth Street. Contact the Office of Development and Alumni Affairs, 966-3500, ext. 735.

January 23 *Annual Alumni Luncheon*, 12:00 p.m., Plaza Hotel, Terrace Room. Contact the Office of Development and Alumni Affairs.

February 10, 11, 12 *Phonathon*, 2:00-9:00 p.m., NYLS Faculty Club, 47 Worth Street. To volunteer your services for this important fund-raising event, contact the Office of Development and Alumni Affairs.

February 17 *P.L.E.A.*, 6:00 p.m., NYLS Faculty Club, 47 Worth Street. "Overview of Trademarks, Unfair Competition and Copyrights." Contact the Office of Development and Alumni Affairs.

Faculty & Administration News

Professor Arthur Best assisted in shortening and simplifying over forty New York City Department of Consumer Affairs' regulations covering deceptive and unconscionable business practices. (See **Professor Stephen A. Newman**)

Professor Michael Botein delivered a lecture concerning "Cable Television in New York City: The Next Decade" before the New York County Lawyers Association's Committee on Communications and Entertainment Law. As counsel to the New York Council on Children's Television, Professor Botein participated in a panel discussion sponsored by the Federal Communications Commission regarding children's television.

Professor Stephen A. Newman was featured in an interview which appeared in the September 22 issue of *U.S. News & World Report* entitled "Consumer Ripoffs—How to Protect Yourself." A co-author of the book, *Getting What You Deserve: A Handbook for the Assertive Consumer*, Professor Newman advised readers to become effective complainers by developing "an attitude of persistence." In addition, Professor Newman and the students of his Consumer Law Center assisted in shortening and simplifying over forty New York City Department of Consumer Affairs' regulations covering deceptive and unconscionable business practices. (See **Professor Arthur Best**)

Professor Ivor S. Richards has been appointed Labor Party Representative for the European Community Commission. Only two Commissioners sit on this prestigious Commission.

Professor W. Bernard Richland, former Corporation Counsel for the City of New York, was profiled by the *New Yorker* magazine. In discussing Professor Richland's work as the City's chief civil advocate, the article states, "As corporation counsel, Mr. Richland acted as the mischief-maker's courtroom ally. As a private citizen, however, he has dedicated himself to the proposition that a victim of mischief is entitled to general redress." The authors of

the *New Yorker* piece attended Professor Richland's NYLS class in "Local Government Law and Litigation" where they witnessed lively discussion and an "uplifting encounter."

Professor Ernst Steifel presented a lecture regarding special problems of German/American Legal Relations at a course held under the auspices of Heidelberg University in Germany. In addition, he was invited to speak and present the main paper concerning comparative product liability before an international congress sponsored by the Cologne Reinsurance Company.

Alumni Notes

1927
Israel Lefrak has moved his law offices to 150 Broadway in Manhattan.

Robert I. Blackman has been appointed Executive Vice-President of Cadillac Fairview Urban Northeast, Inc., and Senior Vice-President of its parent company, Cadillac Fairview Corporation.

1961
Sidney Ingber has become a member of the firm of Proskauer, Rose, Goetz & Mendelsohn in Manhattan.

George C. Schwind and **Arnold Yablin '61** have opened the Hollywood, Fla., law firm of Yablin & Schwind.

Don M. Thomas, formerly Vice President of Administration and General Counsel of the National Urban League, has been appointed to the Casino Control Commission by New Jersey Governor Brendan T. Byrne.

1962
Barbara M. Watson has been nominated as Ambassador Extraordinary and Plenipotentiary of the United States to Malaysia. Since 1977, Ms. Watson has served as Assistant Secretary of State for Consular Affairs.

1967
Elaine R. Sheps, a member of the firm of Rudnick & Sheps,

chaired a program sponsored by the New York State Trial Lawyers Association entitled "Equitable Distribution: How to Plead it—How to Prove it."

1971
Richard N. Runes has formed the firm of Runes & Simels in Manhattan with **Robert M. Simels '74**.

1973
Alan M. Schwartz, Assistant Director of the Fact-Finding Department of the Anti-Defamation League of B'nai B'rith, spoke before the Jewish Community Federation of Rochester, N.Y. concerning "Dealing with Anti-Semitism in America."

Elliot S. Tetenbaum has become a partner in the Newburgh, N.Y., firm of Finkelstein, Mauriello, Kaplan & Levine.

1974
Richard M. Cohan has become a member of the firm of Robinowitz, Bianchi & Cohan of White Plains, N.Y.

Robert M. Simels has formed the firm of Runes & Simels in Manhattan with **Richard N. Runes '71**.

1975
Paulette M. Owens addressed the Black and Latino Law Students Association (BALLSA) regarding the opportunities for minorities in international law and the importance of financial planning for a successful private

practice. The first guest in BALLSA's Alumni Speaker Series, Ms. Owens' talk also emphasized the need for adequate support staff and modern office equipment.

Francis M. Taylor of the firm of Pressler and Pressler in Pine Brook, N.J., was married to Diane D. Cianci.

1976
Gerardus A. Backhaus has been appointed Assistant District Attorney of Cataraugus County, N.Y.

Joseph L. Latwin has become associated with the firm of Proskauer, Rose, Goetz & Mendelsohn. Formerly an Assistant Attorney General in the Antitrust Bureau of the New York State Attorney General's Office, he received an LL.M. from New York University in June, 1980.

1977
Eliot R. Clauss is associated with the Manhattan firm of Davis & Cox.

1979
Bruce R. Adler of the U.S. Environmental Protection Agency discussed the federal response to the toxic disposal problem at the NYLS Environmental Law Society's September 30 meeting.

Richard E. Carmen is associated with the firm of Carl S. Levine in Manhattan.

Cary B. Cheifetz and John C. Emolo '79 have formed a new firm, Emolo & Cheifetz, in Lyndhurst, N.J.

John C. Emolo (see above)

Maryellen Goble has been selected as a Pro Se Law Clerk for the U.S. Court of Appeals, Second Circuit.

Martin I. Greenblatt has become an Assistant Editor in the Lawyers Cooperative Publishing Company of Rochester, N.Y.

Steven J. Halpern has become associated with the Los Angeles, Calif., firm of Hill, Farrer & Burill.

Laurie H. Hutzler published an article entitled "Basic Rules for a Filing System" in the September issue of *The Practical Lawyer*.

1980
Anthony J. Belkowski is an Assistant Corporation Counsel in the Condemnation and Certiorari Division of the New York City Department of Law.

Cynthia Sittnick has been appointed an Assistant District Attorney in the Office of New York County District Attorney Robert M. Morgenthau.

John P. Spitals is an attorney in the Office of the General Counsel of Ciba-Geigy Corporation in Ardsley, N.Y.

Students Display Legal Skills at Moot Court Competition



Finalist Erik Strangeways listens intently to the arguments of Claire Hancock, the evening's "Best Oralist."



Ms. Hancock's co-counselor, Janet Cohen, demonstrates her knowledge of sexual privacy laws before an audience of several hundred supporters.



Competition Chairman Mark J. Astarita '81 (right) and Dean E. Donald Shapiro congratulate Thomas Rigilano and Mary Kates for preparing the "Best Brief."

In a courtroom filled with attentive aficionados, the four finalists of the Charles W. Froessel Moot Court Competition demonstrated their legal knowledge and oratorical skills. Before a mock Supreme Court, Erik Strangeways '82, Claire Hancock '82, Fay Ng '82, and Janet Cohen '82 argued the fictional case of the *State of New Essex v. Robert Convoy*, which entailed issues of sexual privacy and Fourth Amendment rights.

Each finalist ably responded to the difficult questions posed by Judges James L. Oakes and Ellsworth A. Van Graafeiland for the U.S. Court of Appeals, Second Circuit, and Judith Vladeck, a member of Vladeck, Elias, Vladeck & Engelhard. At a reception following the event, Hon. Charles W. Froessel '13 announced that Claire Hancock had

been selected "Best Oralist," the team of Thomas Rigilano '82 and Mary Kates '83 had prepared the "Best Brief."

The students who advanced to the semi-finals, Helena Gorochow '82, Judith Engelberg '81, Eric Janson '81 and Susan Lore '81 received Certificates of Merit. Finalists, judges and recipients of the "Best Brief" award were presented with autographed copies of Prof. James F. Simon's new book, *Independent Journey: The Life of William O. Douglas*.

Numerous members of the NYLS community devoted their time and energy to ensure the success of the competition. Over fifteen faculty members and twenty alumni, most of whom were Moot Court members, served as judges, and forty-two students argued the case.

Credit: David G. Greene



Finalists responded to the keen questioning of (from left to right) Judge James L. Oakes, Judith Vladeck and Judge Ellsworth A. Van Graafeiland.



Claire Hancock celebrates with (from left to right) Judge Charles W. Froessel, Judge Van Graafeiland and Judge Oakes at a gala reception following the competition.

Dean Shapiro Hosts Receptions for Faculty . . .



NYLS faculty had the opportunity to meet with Law School Trustees and members of the Administration at a reception hosted by Dean and Mrs. E. Donald Shapiro. Experienced, senior faculty members were also able to share information and insights with the newer professors.

Hon. Charles W. Froessel converses with Professors William Epstein and James Brook.



Dr. Barbara Debs, a member of the Board of Trustees, attended Dean E. Donald Shapiro's reception for faculty and trustees.

Credit: David G. Greene

... And Members of the Class of 1983

The gala reception was a welcome change of pace for first year day and evening students. Greeted by Dean and Mrs. E. Donald Shapiro, Associate Deans William L. Bruce and Margaret S. Bearn, Vice Dean and Mrs. Arnold H. Graham, and Assistant Deans Lucille M. Hillman and Anthony J. Scanlon, students informally conversed with the Deans about their backgrounds, undergraduate institutions and hopes for the future. Several hundred students attended the reception, which was held in the Charles W. Froessel Library.



At a reception for incoming students, a member of the Class of 1983 discusses interests and career plans with Law School Deans Margaret S. Bearn and William L. Bruce.

Credit: Linda Rogers

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Professor Glen Argues Major U.S. Supreme Court Case

Professors Kristin Booth Glen and David M. Rice travelled to Washington, D.C. this month to present the major communications case, *FCC et al. v. WNCN Listeners Guild et al.* before the Supreme Court of the United States. Accompanying the professors were ten members of the NYLS Community—students, alumni and staff.

The Federal Communications Commission (FCC) is challenging a U.S. Court of Appeals for the District of Columbia decision that the FCC must consider the effect on the public interest of changes in unique radio station formats when granting license assignments or renewals. Representing the WNCN Listeners Guild, Professor Glen urged the Court to decide that in such situations, the FCC must consider the impact the changes will have upon diversity.

Commenting on the case's significance, Professor Rice said, "If there is one classical or jazz station and the format changes, then the availability of diverse program types is involved. The 'public interest standard' includes providing that diversity."

The Supreme Court is expected to render a decision early next year.

Credit: David G. Greene



Professors Kristin Booth Glen and David M. Rice stand on the steps of the U. S. Supreme Court before presenting a major communications case.