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New York Law School

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The New York Law School REPORTER

Vol. VI Issue IV

IT'S NEWS TO US

• May 1989

TENURE CONTROVERSY ESCALATES

by Daren Robert Domina

On April 4, 1989, nine NYLS students sent a letter to Professor Donald Zeigler, Chair of the Tenure Committee, protesting the committee's decision not to recommend Professor James Bowen for tenure. These students expressed their concerns over the implications of the committee's determination and their fears for the trend it may be perpetuating at NYLS.

These students, including the President of B.L.S.A. and the President of the Urban Law Project, believe that the trend appears to be "racially motivated" and view the committee's decision as "biased." The students believe that since the mid-1970s, a bias has existed against Black professors, none of whom the committee has recommended for tenure, and add that "it seems all too coincidental that a new Black professor is hired each time a Black professor is denied tenure."

The authors accuse the Tenure Committee's 5-2 decision against Professor Bowen as appearing to be "utterly without merit" and based upon "arbitrary and unsupported criteria." Considering Professor Bowen's accomplishments, the authors were "appalled at the decision." Professor Bowen has taught at NYLS for almost six years, has been published four times, sits on the Academic Status Committee, oversees the administration of the Harris Fellowship, "attends and participates in outside student organization activities," and has received "positive student evaluations."

The students identified what they believed to be the crucial factor influencing the committee's decision: Professor Bowen's scholarly works. Alleging that one outside evaluator's review of the works "smacks of racial bias," was "anything but objective," and failed to coherently evaluate Professor Bowen's writing skills, the students conclude that the committee's consideration and reliance on this evaluation sends out the message that the Black and minority perspective on legal issues is not to be respected and that it discourages minority youth from studying law unless they are willing to sacrifice their own ethnicity.

At this point the student community remained largely ignorant of this slowly escalating controversy. Signs went up around the school identifying a rally to discuss the issue.

On April 10, Dean James Simon, believing that the letter expressed school-wide concerns, responded in a school-wide memorandum. Dean Simon denied the allegations of discrimination and declined to address the Bowen tenure application, stating that the tenure process had not yet been concluded. Dean Simon neglected to mention that the full tenured faculty will have the final determination. In early May, using the Tenure Committee's decision, they will vote to deny or to grant tenure. Dean Simon stated that the students' letter contained inaccuracies and explained that the two previous Black professors that the letter stated were denied tenure, were never considered for tenure.

A controversy without awareness is merely silent, perhaps ineffectual, discord. The awareness emerged on April 11 with the organization of an ad hoc rally in the student lounge to discuss the controversy surrounding the committee's decision.

Rally organizers, such as Anthony Mazza, a third-year student who has taken classes taught by Professor Bowen, raised again allegations of discrimination and the uncertainty surrounding the tenure process. The organizers highlighted Professor Bowen's achievements and added their own personal impressions of his consummate professionalism, integrity, and outstanding teaching ability. The organizers explained how one particular scholarly work of Professor Bowen's was so respected and significant that it is currently being implemented by the New York City Department of Social Services for Children. They raised serious concerns about the public interest and minority perspective at NYLS and how the Tenure Committee's decision adversely affects those perspectives.

Students who attended were given copies of a NYLS publication which re-

(Con't on page 15)

Public Interest Scholarship Fund Drive Takes Off

April/May '89—NYLS's Public Interest Scholarship Fund Drive, which is being executed by the Student Bar Association in conjunction with the American Bar Association/Law Student Division of our school, is currently taking place throughout the student body. The fund is designed to enable students who otherwise wouldn't be able to experience summer employment in the public interest field the opportunity to do so by helping students eliminate the financial hardships that often accompany such student summer internships.

What makes this scholarship fund different from others is the source that is contributing to the establishment of the scholarships. The fund will be composed of donations made by our own student body, contributing ourselves to the public interest field while at the same time supporting our own peers. Student donation forms are currently being circulated. The pledge is for one day's pay from each participating student's 1989 legal summer employment towards the establishment of

the scholarship fund. Once the fund has been secured, a Committee composed of a faculty member and students would then be established to determine which applicants would be selected to be recipients of the fund for the summer of 1990.

The Administration has currently endorsed the Fund Drive. Dean Fishman showed her support by agreeing to consider the Administration's contributing to the fund by matching the student body's efforts. However, the entire fund is dependent on the student body's involvement and contributions, without which the scholarship fund will not be established.

Donation forms and further information on the drive are now available in the SBA office located in the student lounge. All those interested in participating in the program are encouraged to do so. And remember, while some students may not have committed themselves to a particular job for this upcoming summer, that need not discourage anyone from agreeing to contribute to the fund. Any donation on the part of a student is always welcome.

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Plus more petty, bourgeois, and self-indulgent articles that you've come to expect.

1989 Mock Interview Program

Have you ever wondered what questions a legal employer might ask during a job interview, or wondered how to sharpen your interview skills? A simulated hiring interview provides the opportunity to practice your answers to tough interview questions during Placement Office Mock Interview Program. This event is conducted annually and will be held this year between June 26th and July 14th. Registration forms are currently being mailed out to all continuing students.

All interested students need to complete the form by selecting the practice area, work setting, and size of organization that most interests them. Return this form and two resume copies in the postage paid envelope included in the mailing. The Placement Office is assembling lists of attor-

neys willing to volunteer as interviewers. Each student will be paired with the interviewer that most closely matches his selections. Due to feedback from last year's participants, the number of locations is being expanded to include more interviews in legal offices. Each interview lasts twenty minutes, and the student will receive immediate feedback from the interviewer.

The deadline for returning the registration form to the Placement Office is May 15, 1989. If students have any questions or would like to obtain additional registration forms, they may stop by the Placement Office, which is located on the 5th floor of the B building, or they may call 431-2345 and ask for Albert Bassetti.

SCRATCH 'N'
SNIFF



newsprint

LLSS CHAIR ENCOURAGES MINORITY TENURE

To the Editor:

Recently, a highly qualified Black professor was denied tenure by the New York Law School Tenure Committee, a committee that has no student representation on it. This committee would have us believe that this professor, who has written numerous Law Review articles in this nation's prestigious law schools, is not qualified to be a tenured professor at NYLS.

Who are the members of this committee? Tenured professors are the members of this committee. Knowledge often engenders conceit, especially for professors. There are many who wouldn't want a minority professor with tenure at NYLS. Discrimination does not stop once you pass through New York Law School's doors.

On April 8, I attended the Northeast Latino Law Students Association Annual Conference at New York University, and I had the pleasure to meet Prof. Luis DeGraffe (Tenured Professor at CUNY Law School) and Manuel Del Valle Esq.; both had the opportunity to teach at New York Law School. Both expressed to me the hostile attitude NYLS has towards Blacks and Latinos. They weren't surprised by the denial of tenure to New York Law School's only Black professor.

It seems to be a general practice at NYLS. The school has minimally attempted to recruit tenured minority professors. But why? The answer is simple. The legal profession is a racist profession. Traditional law firms manipulate law schools' policies, and they want little or no minority representation in the law. They know that a law degree gives you power; power to bring change. Those in privileged positions fear any changes at any levels.

But that is why there exist organizations like National Black Law Students Association, Northeast Latino Law Students Association, and others willing to take a united stand against this unfair treatment. We ask for fairness, equality, and respect, because when a segment of society loses faith in our system, society will be in grave danger.

It is time for New York Law School to follow the examples of Seton Hall University School of Law and the New York State Unified Court System. At Seton Hall, the administration and Dean Wilfredo Caraballo (the first Latino Associate Law Dean in the country) have conducted a significant minority professors recruitment program. In addition, there exists a Minority Affairs Committee (comprised of minorities), which deals with minority issues and problems.

In the N.Y. State Unified Court System, Chief Judge Sol Wachtler on January 21, 1988 announced the formation of an N.Y.S. Judicial Commission on Minorities. The mandate of the Commission is to achieve fair and equal treatment for all in the Court System.

Seton Hall University School of Law and Chief Judge Wachtler have realized that minorities are being systematically discriminated against, and they have acted to resolve the existing situation. The time has come for the NYLS administration to stop talking and start resolving the existing deplorable situation at the school.

José Luis Ortiz
Chairperson
Latino Law Students Society

UNJUST ENRICHMENT

To the Editor.

Let me preface my remarks by advising you that both my parents had long and successful careers as professors in universities across the United States and in several foreign countries. I know enough about the granting of tenure to realize that a great injustice has been done.

I was shocked to discover that Professor Marjorie Silver was not granted tenure. Her credentials are outstanding. I have served with her for one semester on the Committee for Academic Responsibility. During that time, I was continually impressed with her fine sense of ethics, and her concern for the students, faculty and reputation of New York Law School. In her Administrative Law class this semester, I have been very impressed with her teaching ability. In class, she brings valuable personal experience and knowledge to her subject and often engenders interested and lively debate. I have appreciated her additions of current events that are related to the topic.

All too often institutions of post-graduate education become so concerned with a tenure candidate's publishing, outside reputation and other "on paper" credentials that they ignore that their purpose and the tenure candidate's purpose is to teach. New York Law School has far too many professors that, while they may be brilliant in their respective fields, are woefully inadequate teachers!! While New York Law School's reputation may prosper, its students suffer. In Professor Silver's case, New York Law School

would be well served in granting her tenure as she is a wonderful teacher and scholar.

I am aware that Professor Strossen has received tenure. Although I have never had the pleasure of being in one of her classes, I have heard from many students that she is a terrific teacher. I have enjoyed her participation in various panel discussions and have had various, interesting experiences speaking with her on many topics. Her reputation in the field is impressive. However, she has taught at New York Law School for approximately two semesters!! It appears to this observer that:

1. quick and automatic tenure status was guaranteed to Professor Strossen as part of the "deal" that lured her to New York Law School and therefore;
2. student input is irrelevant or not considered important in deciding who becomes permanent faculty; and
3. the granting of tenure at New York Law School is not, to use a term I have learned here, "reasonably related" to the all-important teaching function of a law school.

New York Law School's reputation and students suffer when the criteria above prevail. NO professor deserves tenure until she has proven herself at our school with our students. Professor Marjorie Silver has proven herself for many years and in every way that matters to the students at New York Law School. Professor Silver has earned tenure. Professor Strossen has not.

Sincerely,
Maria Vazquez-Amaral

LET'S LEARN FROM EXPERIENCE

AN OPEN LETTER TO THE TENURED FACULTY OF NYLS

We are New York Law School students from the Graduating Classes of February and June 1989. As such, we not only appreciate the high quality of legal education we have received, but are very much committed to the NYLS community and to supporting the school as it strives to become the premier urban law school in America. This open letter expresses our personal views as well as those of many of our classmates. We ask you, therefore, to accept our comments in the knowledge that we are interested in bolstering the NYLS reputation and in contributing to its future successes.

Specifically, we wish to address the current controversy surrounding the tenure applications of Professors Grosberg, Silver and Bowen. We write about each individually.

Prof. Lawrence Grosberg

Each of us has been well taught by Professor Grosberg. Two of us have taken every course he has taught during the past four years; and the remainder has studied Civil Procedure and/or Complex Federal Litigation with him. We have also benefited individually through Prof. Grosberg's continuous commitment to his students' extracurricular pursuits as Law Review and Moot Court participants and as clerkship applicants.

In traditional courses, such as Civil Procedure and Complex Federal Litigation, Prof. Grosberg is an outstanding teacher. He is demanding, but at the same time has the ability to encourage "quieter" students to analyze and participate. In his less traditional teaching, e.g., as Director of the Housing Discrimination Clinic, he is a superb educator and role model.

Professor Grosberg's most striking quality is his unrelenting emphasis on ethics. Whether one is a student in a traditional Socratic Method course or is a seminar student or is an intern with the Human Rights Commission, the Grosberg student is constantly reminded of his or her obligations to the Code of Professional Responsibility, to society, to the client, to one's self and to justice. Many of us regard Prof. Grosberg as our mentor.

New York Law School seeks to build its reputation as the premier urban law school by offering a blend of traditional education with unsurpassed clinical opportunities. We and the vast majority of our classmates consider Professor Grosberg to be among the very best of traditional law school teachers and unsurpassed as a clinician. NYLS and its future students need Prof. Lawrence Grosberg. Professors don't come any better than him.

Profs. Silver and Bowen

As we all know, there are few secrets on this campus. In our recent meeting with Dean James Simon, at which we were encouraged to share our views with the tenured faculty, it was suggested that perhaps the student body learned results of tenure decisions before the Dean himself. While not entirely accurate, students have eventually learned the essentials about pending tenure applications, committee recommendations and how the tenured faculty and Dean cast their votes.

The fact that we write fewer words in

support of the tenure applications of Profs. Bowen and Silver should not be construed to mean that we have relegated them to a footnote. Only two of us have studied the law in Professor Silver's class. She is the quintessential professional. She is demanding of professionalism, preparation and participation by her students; and her students learn the subject matter well. Two of us are also Teaching Fellows at NYLS. Under Prof. Silver's supervision and guidance as faculty moderator to the Teaching Fellows, we have had some remarkable successes in teaching skills to students who, based on statistically imperfect data, were unlikely to complete their study of the law. Campus rumor has it that Prof. Silver won the battle but lost the war; and we are dissatisfied with the position that the denial of Prof. Silver's tenure application is a fait accompli. For the good of New York Law School, we urge the tenured faculty and the Dean to reconsider.

Only one of us has studied under Prof. Bowen. His understanding of and perspective on the law has been a major influence on this individual. He challenges his students to read between the lines of judicial decisions by applying their common sense and personal experiences. Professor Bowen's students apparently concur in our colleague's respect for him as an educator. On the strength of those recommendations and acclamations, we join in supporting his application as well.

Because the semester draws to a close we have chosen this vehicle to express our views about Professors Grosberg, Silver and Bowen. We accept as true that the Tenure Committee diligently tried to arrive at a proper recommendation to the tenured faculty about these difficult decisions. We do not question their motives; we think they made a mistake.

To those on the Tenure Committee, we respectfully suggest that your responsibilities as members of the Committee are different from your responsibilities as members of the tenured faculty. We urge you to consider casting your votes as tenured faculty members using the broader criteria of the good of NYLS as a whole; and not to feel automatically bound by even your own decision as members of the Tenure Committee.

To the tenured faculty as a whole, we recommend these tenure candidates. These are the three professors who are bringing together traditional notions of academic quality with the urban law school experience through clinics and internships. In our opinion, Professors Grosberg, Bowen and Silver have earned their places at NYLS by their demonstrated competence and excellence in the classroom, and by their commitment to their students.

In closing, we are willing to discuss this further or to meet with you individually, in small groups or with the tenured faculty as a whole.

Sherri Eisenpress
John J.P. Howley
Andrew Lipkin
Kannan Menon
Stephen P. Shea
Philip Stern

(Almost) Everything You Always Wanted to Know About the Tenure Process (But Were Afraid to Ask)

by Daren Robert Domina

The current Tenure Committee is made up of the following faculty members: Donald Zeigler, Chair; George Dant, Michael Botein, Kim Lang, Randolph Jonakait, Edward Samuels, E. Donald Shapiro.

The process and criteria used to determine whether the committee will or will not recommend tenure are set out in the Board of Trustees Standards and Procedures for Tenure, Promotion and Reappointment. This publication is not readily accessible to students and most students requesting the manual are discouraged from acquiring it. Only under the pretext of writing this article was I allowed to acquire a copy.

There are five criteria which are employed to evaluate "the record of the candidate's performance."

1. Teaching of high quality.
2. Contribution to legal scholarship.
3. Contribution to the development and improvement of the law school.
4. Service to the profession and the public.
5. Professional integrity.

Dean Simon has stated that contribution through scholarly works is weighed more heavily than the other four criteria but writing of only average quality can be outweighed by outstanding achievement in other areas.

The most controversial and perhaps unclear criterion, and as just stated the most important, is the ability to write scholarly work. There are three main elements to be weighed in the determination of this criterion: "evidence of an active and intellectually curious mind," "evidence of scholarly ability," and evidence of "actual

productivity." The first and third elements seem self-explanatory but the second requires an analysis of the following factors: substantive knowledge of the subject matter, analytical skills, originality and creativity, significance of the work, ability to communicate in an effective and persuasive manner, and evidence of intent and ability to continue scholarly production.

The Tenure Committee evaluates the entire contents of the candidate's file and draws up a list of possible outside evaluators to also review the scholarly writing. This list is agreed upon by the candidate and the first evaluators to commit themselves are sent the works. Sometimes, evaluators are difficult to find because of the sheer breadth of the writing. These evaluators, usually two, have acknowledged experience or expertise in the legal areas upon which the writings are based. These evaluations are weighed heavily in determining whether the seven member committee will or will not recommend tenure. The committee makes a decision and this is presented to the full tenured faculty when it meets for the final decision on whether to grant tenure. Dean Simon's role is unclear. He seems to have some veto power with which he can override a simple majority of the faculty on its decision to grant tenure. A favorable vote of two-thirds majority cannot be overturned by Dean Simon's veto. There is no reevaluation, reconsideration or as far as I know, appeal mechanism.

Students are urged to procure a copy of the criteria for themselves and if interested, to delve further into the present dispute. Letters to the Tenure Committee and administration are not discouraged.

TENURE

TENURE

TENURE

The general feeling among students seems to be tenure means "job security." At the very least students realize that it is "important" but are not quite sure how or why.

Doubts and questions have been raised recently about the possibility of bias and unfairness in the tenure process at NYLS. Many students have expressed a desire for more information about what tenure is and how it works. Though students would like to see the unsavory issues raised over the last few weeks brought into the open and corrected if tenure selection is being conducted discriminatorily, their main concern is quite justifiably, "how will the tenure process affect my legal education?"

Short of actually explaining how tenure selection works, it might be helpful as a starting point to look at what makes NYLS, or any law school, a desirable place to study. The first criterion would have to be attracting a bright student body. After all, some students will excel no matter where they are; they are "naturals." For the vast majority of us who have not been blessed with a "fine legal mind" and must struggle through our courses for three years, a second criterion seems to be at least as important, if not more important

than the first—attracting a faculty not merely of legal thinkers and scholars but of educators, who are first and foremost, teachers.

We have all sat through semesters of "brilliant" professors, but for all their education and industry they simply bore you to death because they just don't know how to teach. In the context of the tenure process this example should be kept clearly in mind.

Scholarly recognition and the emphasis on publication is important, but should it be the primary focus? If Dean Simon and the administration want to build a name for NYLS, attracting distinguished high profile professors with the carrot of tenure, as fodder for the student bulletin seems to be misdirected. What students already enrolled at NYLS are concerned about is what can NYLS do for us today and over the next one or two years to provide professors who will help train lawyers to compete successfully in any area of the legal profession.

Graduates give NYLS a good name; professors help to sweeten the broth.

—The Reporter

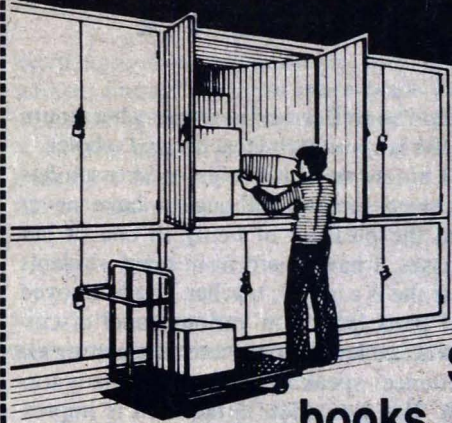
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REPORTER BLOWS ITS OWN HORN

Letter From An Editor

In this, the semester's final issue, it's a good idea to take some time to discuss some of the developments at the paper. As our readership may have noticed, this semester has witnessed a dramatic rebirth of The Reporter. From the obscure leaflet that it was a few months ago, it has soared almost to the point of achieving its lofty goal of becoming the eyes, the ears, the honest voice of NYLS.

Although this revival is far from complete, we believe certain acknowledgements are definitely in order. First of all, we all want to thank our fearless leader, Diane Wolfson, or *Il Duce*, (as she is affectionately known to us), whose steadfast character, Napoleonic stature, financial prowess, and annoying persistence got the ball rolling.

Secondly, we, the rest of the staff, would like to collectively pat ourselves on the back for a job well done. After all, without our concerted efforts there would be no paper no matter how annoyingly persistent Diane is. Some among us, though, deserve specific mention: Notably, our talented cartoonists Shirley Wong and Lawrence (Larry) Siry whose creativity broke the monotony between bar review ads and literary diarrhea; Dilip Masand and Yours Truly for providing generous portions of the literary diarrhea; Scott Wiss and Ann Aycock, whose roving and reportings gave us an insightful clue as to

how sick the students and faculty here really are; Bradley Shaw, for always giving us a nice dose of stark reality just when we need it; and Jessica Wahl, whose startling expose in the last issue revealed God knows what since it was so long I doubt anyone finished it. Actually, Jessica is one of the few members of the staff, along with Daren Domina, Jackie George, and Mark Rothberg, who actually practices real journalism. The rest of us just pretend.

Finally, we want to say that, apart from an egotistical desire to see our names in print, our purpose behind producing the paper is to serve the NYLS community. This means that we are here for our readers. If there's a problem, we want to know. If we should be doing something we're not, we want to know. If we shouldn't be doing something we are, we want to know. Of course it doesn't mean we'll stop, but we still want to know. Apathy is what killed the old Reporter. Concern and involvement are what revived it. And as is evidenced by the wealth of letters and opinions in this issue alone, the involvement is back. We hope it stays.

Good luck to everyone on finals, congratulations to the Class of '89, and we hope to see everyone else back here in the Fall healthy, happy, sexually satisfied, and in good academic standing.

Evan Augoustiniatos
Some Sort of Editor

IRAC

by Anne Aycock

ISSUE

Why were three highly qualified, hard working teachers, who are available to their students and well published, denied tenure?

RULE

The criteria apparently most important in evaluating the record of the tenure candidate are teaching of high quality and contribution to legal scholarship. Our professors must not only know the material but must also be able to deliver it to their students. They must be published and those scholarly works must be critically evaluated.

ANALYSIS

Professors Silver, Grosberg and Bowen are all well liked by their students both as teachers and as people. I had Professor Silver for Civil Procedure, a subject I found extremely difficult. But Professor Silver was extraordinarily well prepared for classes. She can communicate the material. Not only to me, but from what I gather, to a lot of other students as well.

Professor Grosberg teaches a Housing Discrimination Clinic and I have roleplayed for the Clinic on several occasions. The Clinic is an amazing experience. Students have the opportunity to interview clients, negotiate with other lawyers, prepare for trials, do things that real lawyers do. Even Dean Simon says the clinic is an important aspect of our education. I asked some of Professor Grosberg's students what they thought of him. In essence they told me that he "is" the innovative force behind the Housing Clinic and all have highly recommended taking the course.

Although I don't know Professor Bowen, I have heard many good things about him as a teacher. His bio is equally impressive. It is also my understanding that he is well respected in the field of Family Law.

So, why no tenure? Maybe they can't write. And maybe it's naive of me, but if they can't write, how have they been able to publish? Maybe they can write very well and the tenure committee just does not like what it is they write about. Maybe they can't teach. Not from what I have heard, and all three professors have been at New York Law School for six years. Wouldn't someone have figured that out by now and not have renewed their contracts?

Okay, so maybe they can teach and they can write, but there is some other factor I am not aware of. I started to say maybe it's racism or sexism or some other ism. But it can't be that, can it? I asked a few students. One woman said, "no way would they deny tenure on the basis of race. How can B.A.L.L.S.A. even suggest such a thing?" I don't think that's what they said exactly, but the evidence they compiled seems to make it a possibility. Another student told me, "you just cannot draw conclusions without talking to both sides. Maybe the tenure committee and Dean Simon had every reason in the world to deny them tenure." Yes, but suppose they had only one reason, one they wouldn't exactly admit, even if they were aware of what it was? A woman I know very well told me "it couldn't be racism. Professor Silver is not a member of a minority." Well, she's a woman and she's pregnant, I replied, doesn't that count for something? "Probably not," she said. See what I mean? "All right," she said, "what about Professor Grosberg? He's definitely not a minority." I guess he isn't, she had me there. But he's a clinician and teaches a

course on discrimination and the law. Maybe that has something to do with it.

All three professors' areas of expertise are in some way related to public interest law. Not the money making areas of law. Maybe everyone has got it all wrong. What if the real reason the three professors were denied tenure was money? Profit? BIG BUCKS? New York Law School runs at a profit. And let's face it, profit or no, New York Law School is not a name school. Suppose the idea is to eventually have a faculty of superstars. Big time lawyers, with big time reputations, thus advancing our reputation, attracting more students, making more money. Profit. Simple, it makes sense. Public interest, Civil Liberties, Human Rights, are not hot areas of the law these days, particularly in light of our last and present administration. Maybe the message, if there is one, is mainstream lawyering. It's good for you, it's good for us, it's good for the economy.

Economics could be part of the problem, but I think it's bigger than that, I think that some "people" just don't care. Last week when I heard there would be a rally to talk about the denial of tenure, I got excited. I thought, this is it, something people will get involved in, something they really care about. People will be shouting, they'll argue, we'll get angry, they'll storm the Dean's office and sit in. What must I have been thinking? I admit, from somewhere a very nasal voice was whining *Blowing in the Wind* in my ear. Lost my senses, law school delusions or something. So I was wrong, as Abby Hoffman said "there will never be a year like 1968." But there can be a feeling like it. An energy like it. We have not yet overcome. The issues are still the same. We still have war, poverty, prejudice, add to the list an environmental problem that may never be rectified, a nuclear arms build-up that could blow the planet up 20 times over, homeless in our parks and in our doorways. And it makes me sad, frustrated, angry.

So we're in Law School, but it's not just an opportunity to make \$70,000 our first year out. It can be a time to find out what other people think, to formulate opinions, make changes in ourselves, others and the world. I admit it, I am an idealist, I think in possibilities, about what can happen, about what we can do, about what a wonderful world this could be.

CONCLUSION:

Law school can be a tense and very stressful experience, it can also be a terrific experience. A place where we not only learn about how to defend a person's rights, but a place where we will recognize them. We need more minority faculty members, we need more women faculty members, and we need a greater awareness of our moral obligations not only as lawyers but as human beings as well. Excuses are just not acceptable when you operate from that premise. If there are not enough minorities or women or men out there who are available to further our education, the public interest and individual human rights, then maybe we are not looking hard enough and we should double our efforts. If we need to re-evaluate our tenure process to accommodate those we do find, then let's do it. Let us not risk losing those educators who are ready, willing and available by turning our back on them and failing to nurture them when they need it. I would hate to think we sacrifice great possibilities and good teachers for the sake of a name. After all, a name with no substance is really no name at all.

The Weekly Crossword Puzzle

ACROSS

- 1 Asterisk
- 5 Decay
- 8 Vehicles
- 12 Part of face
- 13 Exist
- 14 Century plant
- 15 Keyed up with interest
- 16 Playing card
- 17 Nerve network
- 18 Attic
- 20 Mended with cotton
- 22 Period of time
- 23 The self
- 24 Whipped
- 27 Come back
- 31 Shoemaker's tool

DOWN

- 32 Game at cards
- 33 Irritate
- 37 In truth
- 40 Ventilate
- 41 Weight of India
- 42 Rag
- 45 Chief
- 49 Dillseed
- 50 Biblical name
- 52 Top of head
- 53 Christmas carol
- 54 Nickname for Nancy
- 55 Sea eagles
- 56 Contest
- 57 Accomplished
- 58 Chair

- 2 Roman garment
- 3 Hebrew lyre
- 4 Rue
- 5 Climbing palm
- 6 Miner's find

- 7 Fragile
- 8 Vegetable
- 9 Danish measure
- 10 Repetition
- 11 Sow
- 19 Before
- 21 Mature
- 24 Prohibit
- 25 Female sheep
- 26 In music, high
- 28 Rubber tree
- 29 Fish eggs
- 30 Bow
- 34 Gossip
- 35 Falsehood
- 36 Commission
- 37 Land surrounded by water
- 38 Born
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Muck-Wrestling

by Dan Muallem

ITEM: THE BERMUDA TRIANGLE OF FEDERAL CLERKSHIPS

It appears that applications go in but never come out, at least, not on time. Several students who successfully completed the selection process for federal judicial clerkships were disappointed recently as their resumes were not sent out to federal judges in time for summer placement. Situation Normal: All Fouled Up.

The selection process was demanding; the personal interviews and written essays were meant to insure that only the best students were presented to federal judges as potential interns, but someone forgot to turn the pages on the calendar. Please don't misconstrue this as self-righteous moral indignation, we do not need to ascertain who is at fault. The last thing we need is a faculty-student commission formed to investigate tardy administrative procedures. What we do need is a more

take charge attitude among those who choose to take charge. While sincere condolences may soothe hurt feelings, the only way to ensure this doesn't happen again is to establish responsibility for timely processing in the same committee which makes the selection. Take responsibility. Set the example.

ITEM: THE INTERNATIONAL LAW SOCIETY FORSAKES THE AMERICAN WAY

Free elections, the unfettered expression of the people's voice. It would appear that the ILS has given up on this principle. Recent elections in that club have all the earmarks of a sham. The balloting was held for an hour on a single day. Ballot slips were the blank backsides of a phone message pad. It's questionable that the voters even knew the names of all the candidates for office. A poll tax of \$3.00 was levied in the guise of membership dues. Non-members who paid their dues

on election day were allowed to vote, while members of long standing were denied their right to vote because their dues were unpaid at that time.

The ILS need not hold elections at all. Its members would probably learn more about international law if a coup were held periodically. However, when elections are held, you should be damn well sure that they are free, fair, and honest. An election conducted otherwise is a mockery of all that we hold dear.

ITEM: BEER BRINGS OUT THE WORST IN US

The SBA throws great parties. Unfortunately not all the students at NYLS come to them. It seems that the serving of beer has something to do with it; not all beer, a specific beer.

The serving of Coors beer is offensive to many members of our law school community. There are many brands of beer to choose from, so we need not serve Coors

at our functions. It needlessly separates students from enjoying each other's company in the otherwise friendly atmosphere the SBA fosters at these parties.

This is not an attempt to forward a political point, rather it's an appeal to the newly elected student government to work a little bit harder at ensuring that all NYLS students are included in the future parties.

ITEM: CLUB BULLETIN BOARDS BRING BACK MEMORIES

I sit in the student lounge gazing at the club bulletin boards which surround me and I am reminded of the first day of class. I see myself, a freshman student amazed at the myriad of clubs and activities that are conducted at our school. The reason why these memories come flooding back is because most of the boards in the student lounge haven't been updated since last September. They herald the coming of events that have long since passed. I value nostalgia as much as anyone, but enough is enough. Clean those things up.

These boards have a purpose. A kept board is an expression of pride in the club which it advertises. It can help attract new members as well as inform present members of important upcoming events. We don't have to paste notices all over the school if we used those boards for their intended purpose. The boards in their present state simply foster an atmosphere of "who the hell cares." Let's take some affirmative action in this area.

Summer

by L. Siry

Summer is almost here again. A time for sun, fun and pollution. Smog, garbage, dead fish and hospital waste washing up on shore. If last year was any indication, this summer will be hell on wheels. In many respects we deserve it. After all, what was done this fall, winter, and spring to anticipate some of the problems that arose last summer? Not much. By the same token, how much relief from the summer? Not much.

Maybe if we did have a few more summers like the last, people would start to wake up and demand that concrete steps be taken to clean up and preserve the world around us. If sun worshipers can't swim maybe they will write a letter.

For years we have taken a band-aid view of the problem, dealing with each problem as it became critical. Now it seems more and more obvious that decisions involving the environment must be more encompassing. It also is becoming clear that everyone must chip in. This city has fairly comprehensive recycling laws which we all should abide by, including this school. We already recycle the newspapers, why not the aluminum cans? Containers made of Styrofoam are harmful, wasteful and should not be used. So what if it keeps your food warm for an extra ten minutes—that styro-cup will be with us thousands of years after we are no longer with us.

The point of this article is that we only have ourselves to blame. Therefore we should get off our asses and do something about it. Watch the products we buy, suggest environment safe alternatives and write our congresspeople. Happy Summer!

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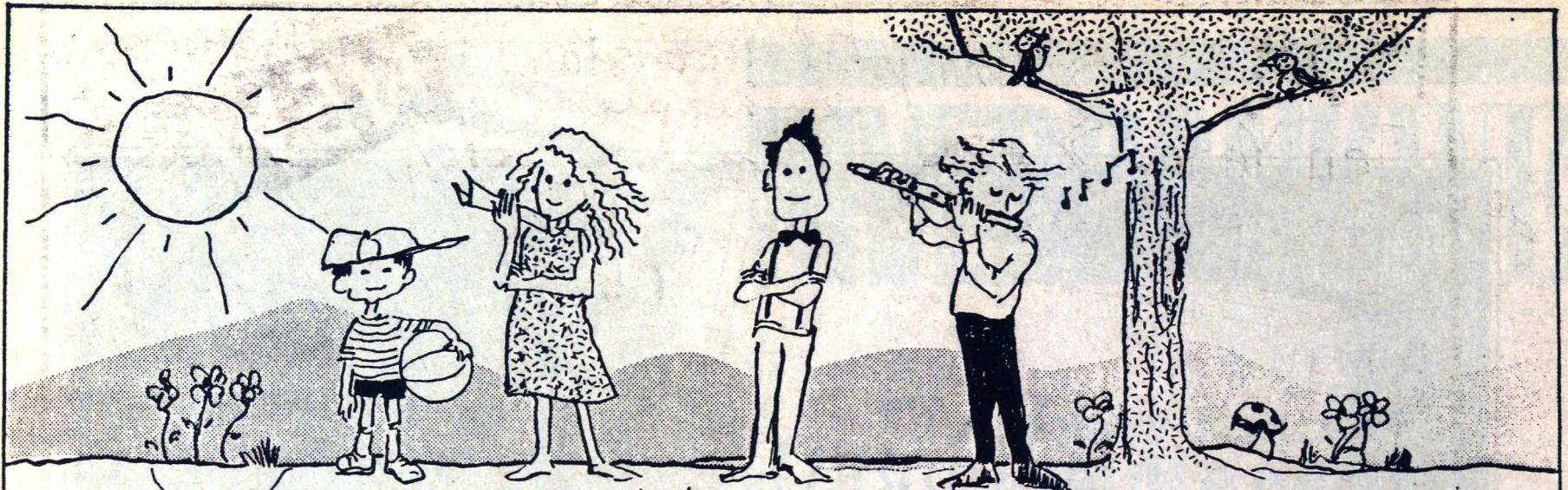
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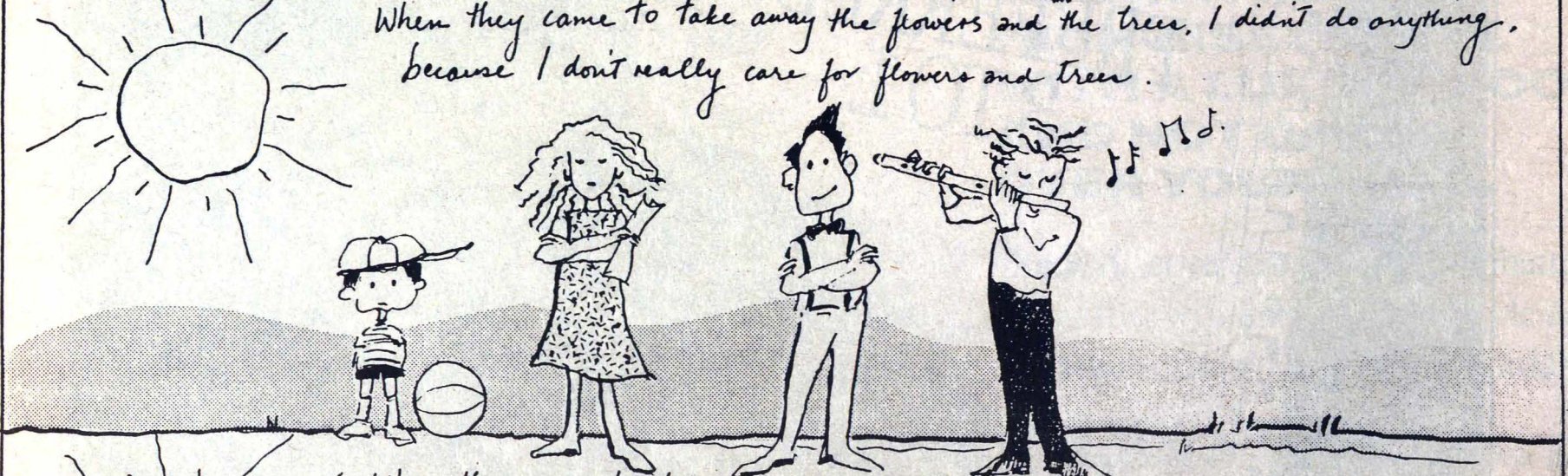
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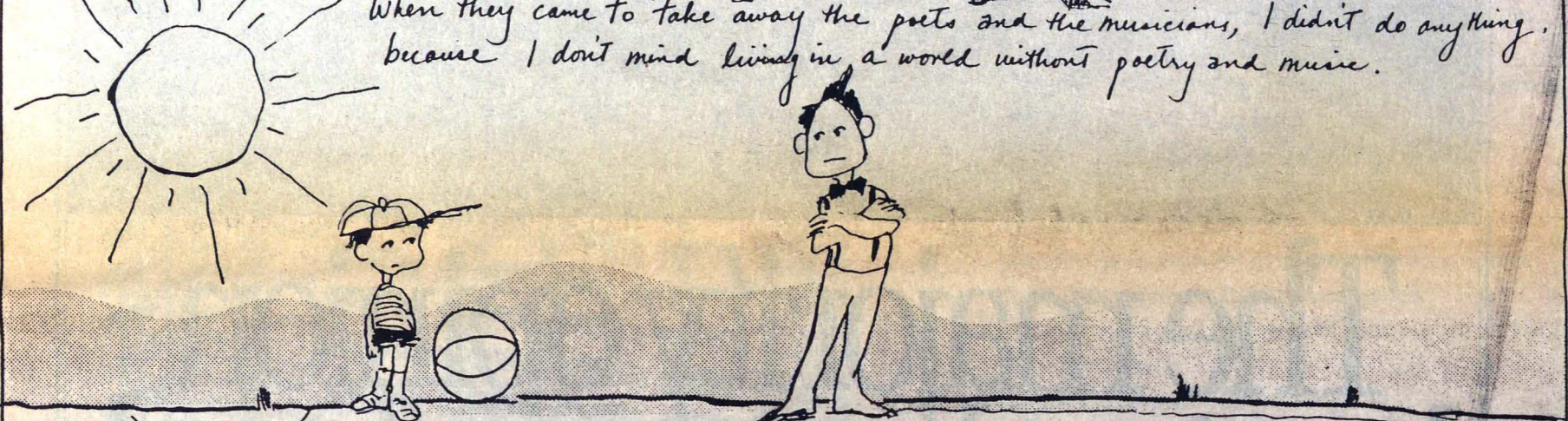
Think like a lawyer



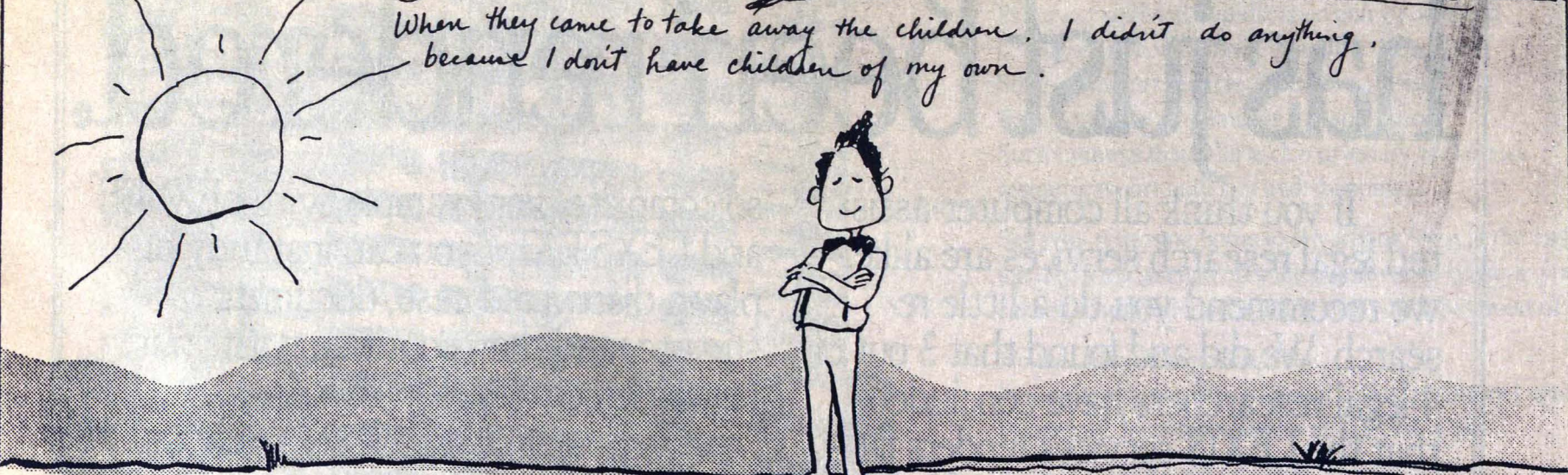
When they came to take away the flowers and the trees, I didn't do anything, because I don't really care for flowers and trees.



When they came to take away the poets and the musicians, I didn't do anything, because I don't mind living in a world without poetry and music.



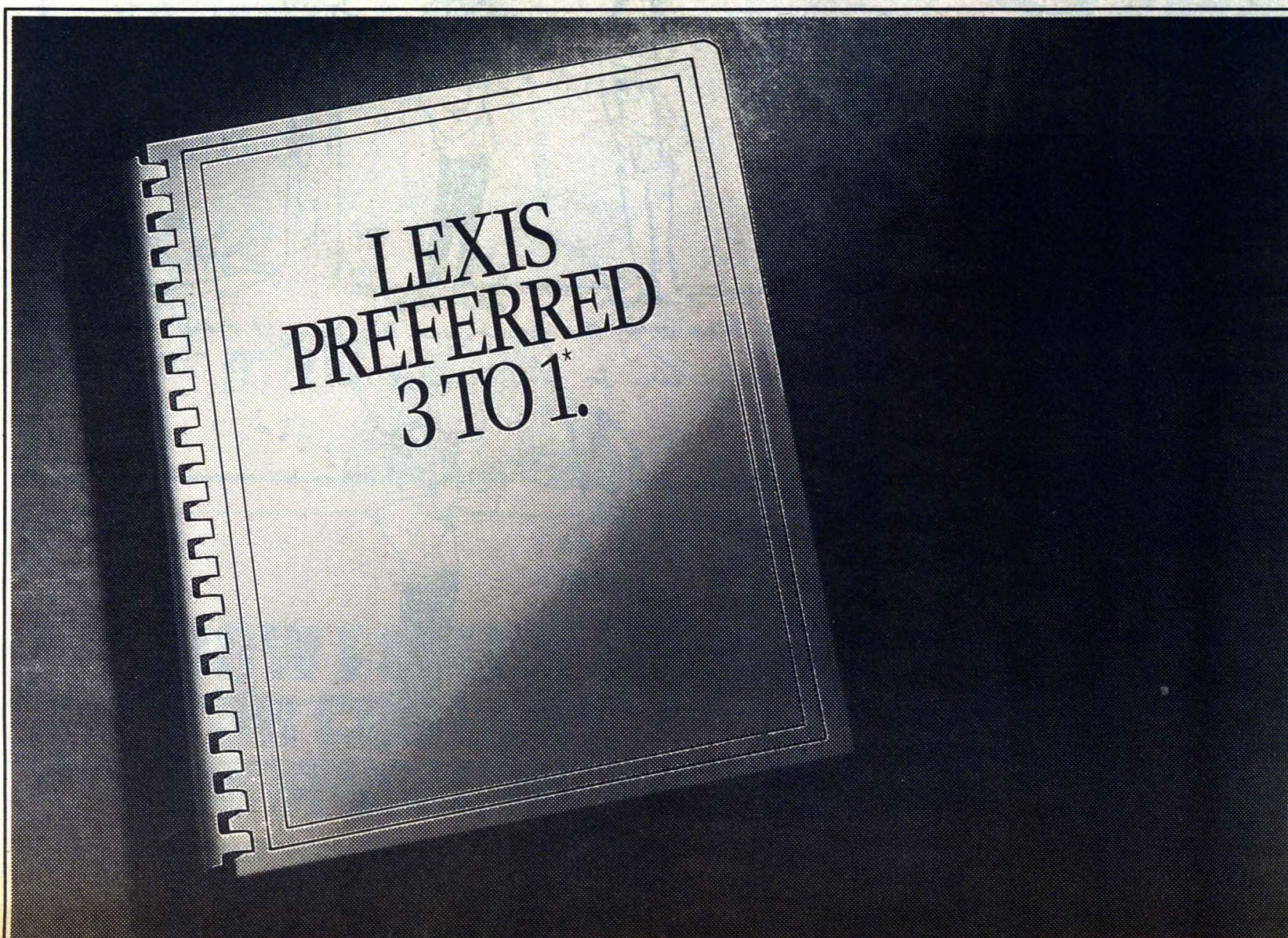
When they came to take away the children, I didn't do anything, because I don't have children of my own.



I was left to enjoy the sun all by myself.

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Then they came to take away the sun. I screamed and belched. But nobody listened.



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An Assault on Gun Control

by David A. Wind

In New York City during 1988 there were 30,640 reports of firearms used during serious crimes ranging from murder to grand larceny. An influx of drugs and its violence escalates in our society daily. In the political fallout of the drug culture and incidents such as the Stockten school-yard massacre, groups of anti-gun legislators have flooded Congress with proposals that could be some of the most far-reaching gun controls in our nation's history.

Every city dweller recognizes the need to regulate the sale and distribution of firearms. After all, hardly any of us know anyone who would object to a ban on deadly assault weapons such as AK47s, Israeli UZIs, and M-1 Carbines. Nevertheless, there are a significant amount of people who do object. The difficulty the legislature will face is the fine line of distinction between one weapon and another. After all, the much feared and press revered Kalashnikov AK47 Russian assault weapon is relatively a pushover compared to the firepower of the recreational hunters' 30 odd 6 rifle. Some sixty percent of this nation's 20 million hunters own weapons that could be considered assault rifles. The National Rifle Association is fighting to accentuate this distinction and fighting for its life, spending millions of lobbying dollars trying to convince members of Congress, and the American public alike, that heavy restrictions on firearms are un-American and ineffective in combatting crime.

Firearms is a topic that has become as controversial as any can be. The Congressional Record is filled with name calling and heated debate. Gun owners sport bumper stickers giving away their spouses, dogs, and homes before their guns, and contribute millions of dollars to lobbying efforts to retain their rights. The current debate centers around a recent proposal from Senator Howard Metzenbaum and Representative Peter Stark, which would deal a great blow to gun enthusiasts, collectors, dealers and weekend hunters alike. The proposal in part would require a substantial registration fee for each firearm which is in the designated "assault class," as well as subjecting the owner of the weapons to FBI background checks and fingerprinting. All travel with these weapons would be severely limited.

Most individual states have controls, albeit different ones, already in place. Pennsylvania employs a three-day handgun waiting period, while Maryland has a seven-day waiting period. In Vermont, after you fill out an index size information



card, you can purchase a firearm while you fill the car up with gas. In other areas like the District of Columbia and New York City, which accounts for a sixth of the nation's armed robberies, it is virtually impossible to obtain a handgun through the legal channels.

What everyone involved agrees on is

that firearms must be kept out of the hands of malevolent individuals. Present federal laws prohibit certain classes of people from legally owning firearms; criminals, people adjudicated mentally incompetent, illegal aliens, and minors. Study after study reveals that an overwhelming percentage of criminals obtain firearms in

ways that would be unaffected by current controls. Sources for criminals to attain guns include friends, the street, fences, the black market, and their drug dealers, not through legitimate business channels.

There are many variations of two basic gun control ideas. Many states use the mandatory waiting period. Advocates of this control claim that this will help prevent "crimes of passion" and allow the authorities to do thorough background checks. The problem is that no one can agree what a thorough background check is. Could anyone, including our nation's police forces, pass the muster of a Toweresque type investigation? The waiting period also varies dramatically from state to state and, like speeding tickets, is arbitrarily enforced in different jurisdictions.

The National Rifle Association and other gun advocates, on the other hand, believe that instead of restricting the ownership of firearms, a far greater factor in crime control is the deterrent effect of swift and certain consequences: swift arrest, rapid trial, certain penalty, and at some point, finality of judgment. A study conducted by the National Institute for Justice concluded that gun control would not impede determined criminals. The argument that "if guns are outlawed, only outlaws will have guns" is firmly entrenched within this theory. Of convicted felons, three-fifths said a criminal would not attack a potential victim who was known to be armed.

Ultimately, no gun control, including banning firearms altogether, will solve the problem. John Hinckley, who attempted to assassinate President Reagan in 1981, had no felony record and had not been adjudicated mentally ill. After a waiting period and a background check, he might still have been able to procure the gun.

It appears for the near future that firearms are here to stay and that the only acceptable, standardized, nationwide background checks of all firearms candidates along with consistent modern methods of due process will have a significant effect on controlling firearm distribution.

While our nation's lawmakers debate the current gun control proposals, the Soviet police confiscate hunting rifles in Soviet Georgia and a Cessna 172 leaves a tropical island tarmac for some unknown U.S. destination. In its cargo hold lie 200lbs. of narcotics and ten Uzi machine guns. Law abiding American citizens, riddled by violent crime and lack of adequate protection, take one small step forward in an endless line to attain the means to protect themselves and their families.

Finally, As The Century Ends, A Campus Hair Report

CPS—Clairol, Inc., the Stamford, Conn., company that makes hair products, thoughtfully surveyed the nation's campuses to find what collegians are doing with the strands of dead proteins they wear on top of their heads.

Six out of ten college women, the company found, have perms. Half of them highlight their hair. In fact, "many" men are tipping their hairs with highlights, too, the company observed. The men also are

wearing their hair short, with no sideburns.

"Big hair is in," the firm added in a release sent to the fashion press. "It is moussed, gelled, scrunched and spritzed" with some regularity. "Long hair generally is worn loose. It's never pulled back anymore."

After all that, they favor covering it with "white baseball caps or bandanas tied in the back."

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REVOLUTION

a relatively short story



By Dilip Massand

Me and a few of the ragamuffins went down to D.C. a few weeks ago. We didn't really go to march under anyone's banner, or because our views on this issue compelled us to, we just went to see what it was all about, and to give our sisters, mothers, and lovers some support. We got my dad's van, loaded it up with all the necessary items for a good road trip, and left New York at 1:11 A.M. on Saturday evening. Actually by then it was Sunday morning, but it made no difference to us, all we wanted was to travel under the cover of darkness.

That's exactly what we did, as we followed the white line all the way down. I had the "midnight shift," and as the ragamuffins snored about me, it was just me, the late-night D.J.'s, and the peaceful solitude of darkness. They say that's the best time for thinking, for me it was the best way to clear my head of all the garbage that had been jammed in there from school, life, reality, etc. Just to be moving freely, in solitude and darkness . . . Jack Kerouac would've been proud. I gave up the wheel somewhere outside of the Capitol. I just remember seeing a big Cadillac sign and an American flag, and thinking it an ironically appropriate place to stop.

We rolled by the Washington Monument just before 6 A.M. There was no one around, and a morning mist was hanging over the "battlefield." We parked the van just across the street from the Monument, and thinking this all too easy, we set out on foot to see what was happening. Not too much, but we noticed that we were the first all-male contingent to arrive, got a pro-choice sign from some people who were setting up, and headed to the Vietnam War Memorial to catch the sunrise.

It was early and we were disoriented, so we wandered around in circles for a while not having too much luck finding it. We finally asked someone for help, and he told us it was close to the Lincoln Memorial. The Lincoln Memorial was easy to see, so we just headed for it. We walked along a long pool of water that leads to it at a quick pace, because by now the mist was starting to clear, and the sun was slowly starting to appear over our shoulders. We walked in single file, in complete silence . . . I don't know if this was because we were tired, or we were all in our own thoughts, but it was damn appropriate. We came to the edge of the pool, at the foot of the "Temple of Abraham." I reached into my pocket and tossed a coin into the pool for good luck.

We climbed up the stairs and reached the top where Abe sat, like a God upon his throne, surveying his domain. All about him were words that he had spoken etched in the stone. He talked about humanity, the freeing of the slaves, and the

terrible war that had set upon the nation and which divided it so tragically. I finished reading his words, and sat down at the top of the stairs with my brethren. We sat there in the temple of Abraham, looking across at the Washington Monument, and I couldn't help being amazed at the things men build in the name of other men, when all that they did was remain true to their principles. I thought about freedom, liberty, and justice as the sun rose . . . And off to the left, as the last of the morning dew lifted, we saw the Vietnam War Memorial . . .

The Vietnam War Memorial is a strange experience. You walk along the names of those who never came back. Young men and women who believed in things like freedom and democracy, many of whom thought they were doing a service to humanity, while many others simply didn't have the luxury of choice . . . As you get to the middle the walls grow larger as the list just grows and grows. At the base of the wall were a lot of tattered American flags, and faded flowers. I wanted to take one of those flags or flowers, but something told me that would almost be sacrilegious.

We had all spread out along the wall, doing our own thing, when one of my friends called me. He was bent towards it, his fingers running back and forth over a name. I leaned forward and got a better look . . . My friend's name is James Russell Heath, the name on the wall was Russell James Heath . . . Somehow it made me feel that for all our arrogance, how little my friends and I knew of the realities of life, the ravages of war, and the inevitability of death. James just looked at me and shook his head.

We sat in a McDonald's for a while and watched the busloads of people roll into the city. At this point we split up because I wanted to meet some friends from school who were coming down with the A.C.L.U. and my friends wanted to sleep on the grass. So I and my cousin from England (who decided to come to see what the "colonies" call democracy) set out to find the A.C.L.U. building.

We found it but didn't see any friends. Instead we saw large quantities of young, mostly white, affluent looking "liberals," running around in bright white pro-choice T-shirts. It looked like a "Moonies" convention. We walked up to this table where they were charging \$3 for brunch. This isn't a lot of money when you're looking for your friends so we paid and went in. I didn't see anyone I knew, so I grabbed a pear (just to get my money's worth), and we hit the road. On the way out we saw two people we knew, walked with them for a while, and just when the A.C.L.U. group was gathering its forces, we snuck away . . . One last thing about the A.C.L.U., they did have nice toilet

facilities, which after the port-o-sans, were a tremendous relief.

We went back to the Washington Monument and by some tremendous stroke of fate found our companions. Now our little band of ragamuffins was reunited and we stood on the grassy hillside watching all the other Indian tribes roll in. That's exactly what it looked like to me, a meeting of the Indian nations. You could literally hear drums banging, see smoke rising, and then you'd see a tall banner in the distance, and a stream of people behind it. The colors were purple, white and yellow, or red, or whatever that particular group had chosen. You just knew that some serious shit was gonna go down that day . . .

We decided to go back to the van to hang out until the march started. On the way we saw all these people coming down the street with banners and signs, shouting "Pro-Life, Pro-Life." They were coming right at us, we didn't want any part of them so we headed back the way we came. All of a sudden some of the pro-abortion people saw the pro-lifers and headed straight for them. We were right in the middle of the two groups as they jostled each other around (and us), and hurled insults back and forth. It was getting a little hairy until the police came in on horses and made a solid line between the two groups. Then a band marched in, played some music, got everyone to dance and mellow out. The little flare up was over with no casualties.



The next thing I knew, all these celebrities came down from the right side carrying a big banner, and boom!—the march had started. We were right there in the front, and there was nowhere else to go, so we just went forward. Every few feet the march would stop so that the celebrities could wave to the cameras. My cousin had this scowl on his face, and he said to me, "So that's what it's all about, just another publicity stunt . . ." I felt like punching him, but instead I said, "how typically British," and we just marched along.

One thing that struck me while we were marching was how intense the women were. Most of the men around me were just quietly walking along, while the women were shouting, chanting, and punching their fists into the air. At one point someone started shouting, "The women united will never be defeated!" I had always thought that it went, "The PEOPLE united will never be defeated." This irked me a little bit, but then I realized that maybe for once the shoe was on the other foot . . .

It was about two o'clock when we finally reached the capitol. We were among the first wave to arrive, so everybody just turned around and watched the rest of the march. That's when I finally realized the

enormous size of the crowd. People just kept coming and coming. For as far as the eye could see the procession stretched back, like a giant snake.

Melissa Manchester sang a very strange version of "America the Beautiful" (she changed the words to make them gender neutral), and then the speeches started. The speeches were mostly hollow rhetoric, but they seemed aimed at simply thanking people for showing their support, rather than make any tremendous declarations. Standing there before the Capitol, I thought of Joshua. In the Bible, when he fought the battle of Jericho, he led his people right up to the walls of the city. They had no weapons to fight with so instead they sang. And whether it was God, or nature, or the earth, someone heard their cries . . . and the walls of Jericho came tumbling down.

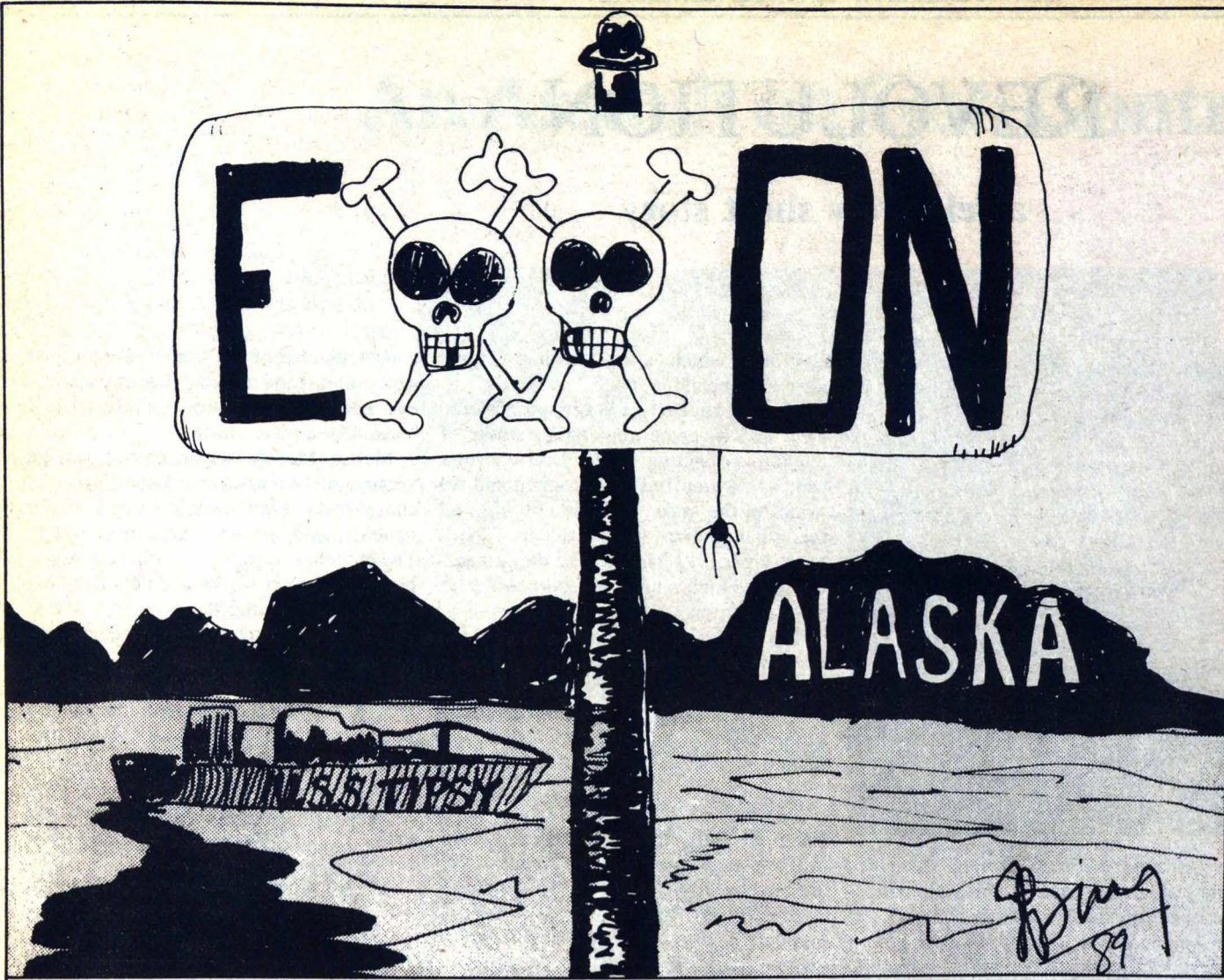
By this time we all felt that we had done our part, so while the rest of the march poured in, we turned around and headed for the van. We were the first to come, and the first to go, and we had expressed our support with our feet . . .

I don't think the right to an abortion is for the Supreme Court to decide. I don't believe in this fundamental rights, zone of privacy stuff. It seems to me the right to an abortion is an evolutionary right, that should be granted to women as a recognition of their equal, yet extremely unique position in society. Men just don't have this capacity, therefore forget all that "equal" stuff. And don't raise that morality

argument either, in a culture as morally emaciated as this, morality is a farce. The tough question is whether this should be an absolute right, or if it should have a time limit. I used to think four and a half months would be a good time limit, right in half. After testing this out on a few of my female friends and feeling their fury, I rescind on that position. I just don't know, and I really can't figure it out—yet . . .

Look people, I don't have the answers, I'm just telling you what I saw, and what went on . . . And besides, it doesn't really matter what I think—the Supreme Court did the right thing in *Roe v. Wade*, but they did it the wrong way, and now they're feeling the consequences . . . But I have this piece of advice for those nine people in the ivory tower—if in their infinite foolishness and pompousness, they think they have the TRUE power to decide such issues, and they overturn *Roe v. Wade*, I feel sorry for them and us. Because "hell hath no fury like a woman scorned," and one thing's for sure, once again the walls of Jericho are gonna come tumbling down . . .

Dilip Massand
DILIP MASSAND is a first year student, an aspiring epic hero and an all around great guy—Eds.



LEGISLATORS TAKE AIM AT STANDARDIZED TESTS

Press Release

The chairman of the Higher Education Committee in the New York State Senate has taken an important step to protect the rights of students taking the standardized admissions tests given by ETS and the College Board. He has drafted and will introduce legislation that will constitute a Test Takers' Bill of Rights.

"Tests, such as the SAT, LSAT, GRE and GMAT determine in large measure which schools and careers are open to students. For this reason, it is imperative that the rights of test-takers are safeguarded," said State Senator Ken LaValle, a Republican from Suffolk County, the lead sponsor of this measure in the Senate. Assemblyman Ed Sullivan, a Democrat from Manhattan, who has also sponsored test reform measures in the past is now reviewing the measure.

John Katzman, the 29-year-old founder and president of Princeton Review, the leading test preparation firm in the country, played a major role in developing the Test Takers' Bill of Rights. "Every year, my company works closely with over 20,000 students, and I am constantly hearing horror stories about their treatment by ETS. It is clear that no one is watching the watchman."

The Test Takers' Bill of Rights will require test companies to:

- *provide information in the test registration booklets letting students know that there will be an "experimental section" in the test;

- *provide at least two test administrations annually in which there are no pretest or experimental questions;

- *provide students with a summary of the instructions distributed to the proctors so that students know their rights during the administration of the test;

- *establish swift due process procedures in cases where cheating is suspected so that if tested for verification, the student's higher score would be reported;

- *permit students to provide brief written explanations if their scores are inconsistent with their academic records;

- *not disclose the score of a student with a systemically mismarked answer sheet.

continued on next page

Civil Rights

The Newest "Chapter" in NYLS Student Activism

by Albert J. Wollermann

"Student legal-activism is alive and well in New York City." Such will be the message sent out to the law community if a chapter of the American Civil Liberties Union is formed at New York Law School.

So said Norman Siegel, executive director for the New York Civil Liberties Union (NYCLU) as he spoke to a group of students at NYLS on April 13.

Siegel was invited to address questions and discuss the goals of the ACLU to students who'd expressed an interest in forming a chapter at the school. The ACLU is a nonprofit, nonpartisan, 250,000-member public interest organization devoted exclusively to protecting the basic civil liberties of Americans.

The NYLS-Civil Liberties Union will be the ACLU's first and only law school chapter in Manhattan.

Through the school chapter, the ACLU will help students learn about, prepare for and obtain jobs in the public interest field.

"Does it mean giving up Broadway shows for movies?" Siegel asked. "Yes, sometimes. But it really means recognizing that "you" are not the issue. The issue becomes your client and the client's rights."

Additionally, NYLS students will be eligible for internships and a limited number of paid positions with the NYCLU. The city chapter is presently seeking the assistance of a number of law students to write memorandums and research cases in the ACLU's fight against increasingly more stringent city park regulations.

Sitting cross-legged atop a desk, his tie loosened and jacket hanging open, Siegel, who has worked for the ACLU on and off for about 20 years, spoke very informally for about an hour on the history of the ACLU and its evolving attitude towards advocacy.

"We've typically been known to be observers in the fight," he said. "The Vince Lombardi defensive approach doesn't work any more. I want the New York chapter to be fighting (for rights), bringing people together and exciting people."

NYCLU members, along with a handful of NYLS students, took part in the march on Washington on May 9 in support of Women's rights and the *Roe v. Wade* decision which decriminalized abortion. It is this kind of advocacy and active participation in the fight for rights that Siegel wants to see increase throughout the ACLU.

"I'm a gadfly," Siegel said, gesturing with his hands. "And it's important to be a gadfly. Not only insiders bring about change."

"But how?" a student asked. "How can you effect a change if you can't address the dual party system?" Although not answering directly, Siegel replied, "Where are the politicians out there to excite me? Principled? Bringing people together for change . . . ? I hate the Democrats as much as I do the Republicans."

"Principled people" are the linchpin of Siegel's plan to organize the ACLU into a "strong and active" rights advocacy group. Neither the potential loss of members nor the public's perception of what the ACLU fights for is ever a consideration, Siegel said. An example is the ACLU's defense of the Nazi's right to march in Skokie, Ill. in 1977. "If it's the right thing to do legally, then we do it."

Clearly an opinionated soldier, Siegel says he's fighting the battle between the "haves and have-nots," the power-"less" and the power-"full," (emphasis his) and trying simply to reach some semblance of fairness.

"We're fighting for issues of social justice. That's what the system is all about. I want to eventually see an economic Bill of Rights, a redistribution of the wealth. Sure I'm an advocate. I'm an advocate for equal justice under the law."

Our role is to make more and more people understand what the real issues are. They aren't crime and drugs," he said. "Those are derivatives of our society's problems with race and poverty. Failed government policies are the issues."

The NYLS-Civil Liberties Union has been meeting informally as a local chapter. Members expect a written constitution

and budget to be approved by the Student Bar Association next semester. Notice of the chapter's meetings will be posted throughout the cafeteria and student lounge.

The NYLS-Civil Liberties Union neither endorses nor condemns all or any of the views espoused by Norman Siegel. According to student members, the school chapter is being formed to help NYLS students remain informed of the ACLU's projects. The chapter seeks to provide additional opportunities for students to take part, actively, passively and even indifferently, in the ongoing effort to protect individual rights. Apparently, the "ACLU" banner is not the Baphomet of NYLS student civil-libertarians.

ZOO U.

by Mark Weitzman



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Did You Know?

by Jackie George

It's coming to the end of the semester and the final exams are thus approaching!!! That, I am sure you did know.

However, there are a number of things that you should be aware of before taking exams and before leaving NYLS for the summer. Our Office of Student Affairs has arranged for the following services in order for our reading and examination periods to be more tolerable:

Complimentary Coffee & Tea
Tues, May 9th thru Tues, May 23rd
An hour before each examination.

Student Cafeteria
Mon thru Thurs 8:00am-8:00pm
Fridays 8:00 am - 3:00 pm

Student Parking

Allowed with valid NYLS ID card on a first-come first-served basis from May 9th thru MMMay 23 as follows:

Mon thru Fri 5:30pm-7:30pm
Sat & Sun 9:00am-7:30pm
From 7:30 pm to 11:00 pm, the gate to the parking lot will be locked for security reasons. Students may enter and exit the lot by asking the guard located at 47 Worth Street to unlock the gate.

After 11:00 pm, students may have access to their cars only on the hour (12 midnight and 1am). For your safety, the guard will escort you to the parking lot gate only at those times. Students will not be allowed to park their cars overnight.

Standardized Tests (con't)

Senator LeValle has been a national leader in the effort to curb abusive use of standardized tests and to protect students. He was the author of the original Truth-in-Testing Law that opened the standardized test to public inspection. "I view the Test Takers' Bill of Rights as a continuation of the Legislature's efforts to provide an open and fair admission's process for New York students," Senator LeValle stated. "NYPIRG (New York Public Interest Research Group) is already a strong supporter of this bill and I'm sure that students will rally all their support as well."

LaValle expects significant opposition to the bill to come from ETS. "We'll listen

to their objections," he promised, "but our primary concern is the welfare of students, not the convenience of test companies."

John Katzman explained, "The Princeton Review sees these tests from a student's view. We don't want to get rid of tests. We just want to make them more human. Why should students pay money to do ETS product testing? Why shouldn't they have the right to a timely hearing if ETS challenges a large score increase? Why shouldn't they be told the rules of the game they are forced to play? If the testing industry were competitive, ETS would be out of business. Here's a company that doesn't even have an '800' number for kids to call if they have questions about the test or its administration."

Tenure Controversy (con't)

ported in 1983 the hiring of Professor Bowen and how the administration viewed his acquisition as a "coup" and its intentions to "reach out to more minorities." In addition, petitions were circulated and students were urged to write independent letters of concern to various administrators and the Tenure Committee.

Several important questions were raised at the rally, by both its organizers and the audience: Why was a professor with James Bowen's credentials not recommended for tenure? And, once the Tenure Committee makes its determination, isn't the final faculty vote just procedural? Also, why does such an urban school like NYLS have so very, very few minority and Black professors? Why is there so little emphasis placed on the minority and public interest perspectives at NYLS? Why is there no student representation or at least input on the Tenure Committee? How exactly are tenure decisions made and with what criteria? Unfortunately, the answers to these questions were speculative and inconclusive.

Professor Bowen is perhaps equally mystified by the Tenure Committee's decision. As far as he understood the process, three basic criteria were utilized. These were his ability to write scholarly material, his teaching ability, and his community and institutional service. He was told his teaching ability was "solid" and his service "fine." Therefore, the basis of the committee's decision seems to rest with his writing. Although Professor Bowen stated there was some difficulty in finding evaluators who were diversely qualified enough to competently evaluate his works, he felt confident of a favorable decision. An excellent review by Professor E. Donald Shapiro of his Family Law article further strengthened his confidence.

When both outside evaluations of four of Professor Bowen's works were received, Professor Zeigler submitted them to Professor Bowen for the opportunity of a response. Evaluator number one had mixed reviews of Professor Bowen's works but concluded that "the amount and quality of his writing shows a commitment to academic life" which for "most of us is a *sine qua non* to the privileges" of a tenure appointment. Evaluator number two, on the other hand, evinced very negative views on Professor Bowen's works.

Evaluator two had some "positive impressions of the mind that created" the work, but felt that none of the articles "is as a whole useful in illuminating the issues that Professor Bowen purports to focus on." This evaluator concluded that the writing is largely "incoherent" and "often seriously off-base and misleading." There are several instances where the evaluator disagrees with the premise or interpretations of the arguments and subsequently heavily criticizes the writing, while simultaneously stating that s/he shares Professor Bowen's substantive biases. The two evaluations seem to have been written with two different sets of criteria in mind.

Professor Bowen's response was a point by point refutation of evaluator number two's entire evaluation. Although Professor Bowen recognizes his writings are not perfect, he feels the attack on his works was unwarranted and biased. He concluded that evaluator number two has not even read his articles and what s/he has tried to read, s/he has misread. The evaluation is, in Bowen's opinion, so subjective and prejudiced as to be useless to the committee. There has been some criticism directed toward Professor Bowen that this controversy was merely an attempt to politicize the issues. Professor Bowen denies this and responds that only "by complete honesty can any truth and understanding" come out of this controversy.

There has been no official response to Professor Bowen's reply. However, Associate Dean Randolph Jonakait, a member of the Tenure Committee, stated that he had reevaluated Professor Bowen's writing, side by side with the outside evaluations and Professor Bowen's response.

When asked about various concerns as expressed at the rally and surrounding this controversy, Dean Simon refused to comment on any issue even remotely relating to the tenure decision, although he did state that the ability to write scholarly works is given great weight by the Tenure Committee.

As a reminder, the full-tenured faculty will vote on whether to grant or deny tenure to Professor Bowen in early May. *The Reporter* urges concerned students to inquire further into this controversy in order to make their own educated decisions on the whys and wheretofores of this issue.

Library Hours

April 29-May 22
Sat & Sun 9:00am-10:00pm
Mon-Thur. 8:00am- 21:00pm
Friday 8:00am-10:00pm

Student Lounge Study Hall

Student Lounge will be available every night as a Study Hall for several hours after the Library closes. This space is for study purposes only. No NYLS library personnel will be available to assist you. Students will not be allowed to enter the Study Hall after 10:00 pm. Students who leave the Study Hall will not be allowed to re-enter. The guard on duty cannot make any exceptions to these policies due to security reasons.

Hours: Apr 29-May 2
Sat & Sun 10pm-1am
Mon-Thur 11pm-1am
Friday 10pm-1am

Classroom Study Space

Classrooms are available for study group use. Make reservations by contacting Esther Kallman at 431-2880, 57 Worth, mezzanine level. There may be more than one group to a room assigned.

Travel Home Partners

Starting April 29th, there will be a bulletin on the easel in 47 Worth where people can post notes if they want travel partners. Check the board daily if you want to find people to walk to the subways with or to travel to similar destinations.

Video on Exam Techniques

To view a film on taking exams, a video will be shown at the times listed below:
Thurs, April 27 6-7pm C203
Mon, May 1 4:30-6pm A501
Tues, May 2 4:30-6pm A302
Wed, May 3 4:30-6pm A501
If you are unable to see the video at the above-scheduled times, contact Helena Prigal at (212) 431-2318.

Examination Numbers

Don't forget to pick up your examination number before exams!!! "A" Bldg-2nd floor.

Need to validate your ID?

Go to the Registrar's Office, 2nd floor of "A" Building at the following times:
Mon, Wed, Thur 9am-6pm
Tues 9am-7:30pm
Fri 9am-5pm

Misplaced your ID?

In order to obtain many of the above services, you will need your ID. If you have misplaced yours, arrange for a new one by the following procedure:

- Go to the Registrar's Office for card.
- Go to the acctg ofc-Pay \$10.00 replacement fee.
- Go the Copy Center in the basement of 57 Worth Street. Photos will be taken as follows:
May 2,3,4 2-4pm,5:30-6:30pm
May 10,17 2-4pm,5-6pm

Lockers

If you have a lock on a locker, make sure that you remove the lock before you leave after exams. If you don't remove your lock, it will be cut off so that the lockers can be cleaned and readied for the next semester.

Selling Your Books?

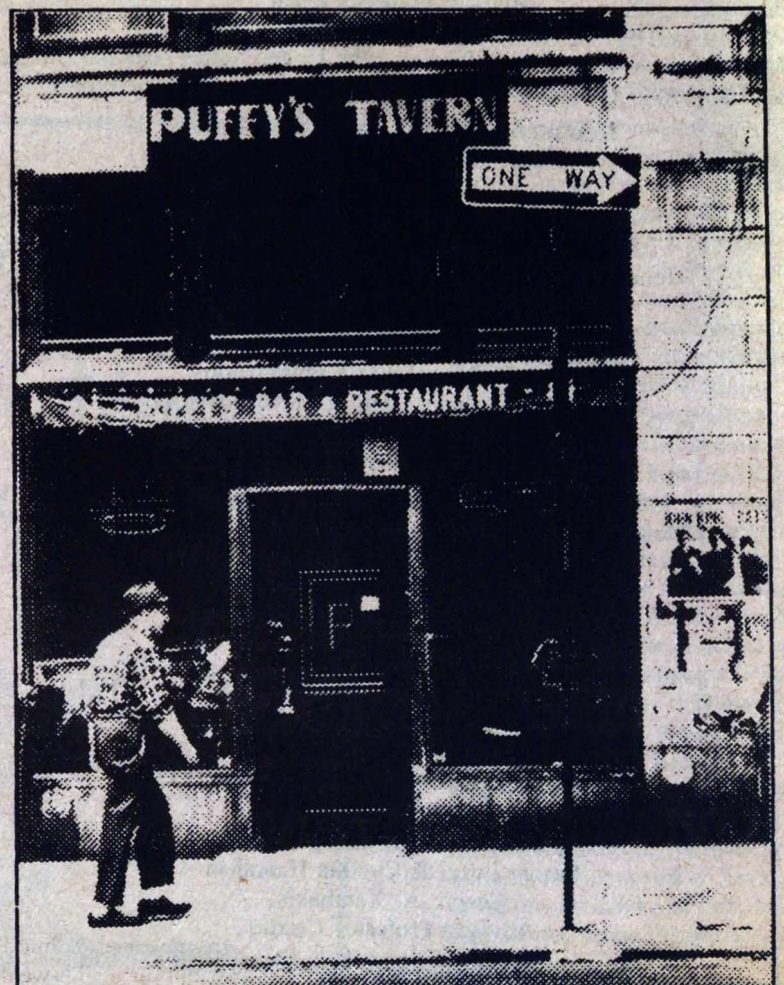
The NYLS Bookstore-Barnes/Noble will take back certain used books during the last 2 weeks of school at a reduced price. They will have signs posted.

Selling study aids?

In the basement of "C" Building, you can post a sale flyer on your books, study guides, etc. Many students check the boards before purchasing new study guides for the following semester. It is good if you put your phone number down on the bottom a number of times, so that students can tear the no. off & call you without removing the sign.

The Student Affairs Office will be open throughout the exam period. You may drop by if you need any assistance.

Good luck on your exams!!!



PUFFY'S TAVERN

81 HUDSON STREET, CORNER HARRISON STREET
LOWER MANHATTAN 766-9159

MOOT COURT ASSOCIATION

Jackie George

New York Law School's Moot Court Association (MCA) is a very active and integral part of the campus atmosphere. You will notice that many competitions are held throughout the year, and may have had the opportunity to hear one of the oral arguments.

MCA is a student-run and operated activity with over 50 active members. It is designed to further develop student skills in legal research, writing, and appellate advocacy, as well as to increase the understanding of appellate legal processes.

Students are given the opportunity to participate in intramural moot court competition under the supervision of MCA. From this competition, successful candidates are invited to become members and a further selection is made of a three-person team to represent New York Law

School in the Regional and National Moot Court Competition. In addition, the Board sends teams to many intramural competitions held at law schools throughout the country.

MCA sponsors the Robert F. Wagner, Sr. Memorial Moot Court Competition, a national moot court competition dealing with labor law issues. Law schools located throughout the United States send teams to participate in this competition. This competition was named in honor of this noteworthy United States Senator, a New York Law School alumnus and a sponsor of the National Labor Relations Act of 1935. This year's competition welcomed thirty-two law schools from around the country. The winners for this competition were Bradley J. Vance and Patricia A. Wentworth from The Dickinson School of Law:

THIS YEAR'S MOOT COURT COMPETITIONS

University of Cincinnati Product Liability National Competition

Lynne Crawford & Susan Quarles
Coach: Michael Braverman
Quarter-Finalists

Gabrielli Family Law Competition

Randolph Iannacone & Ania Bohachevsky
Coach: Sherri Eisenpress
Advisor: Professor Bowen

Jessup International Law Competition

Sandra G. Corbitt, Hassan Fancy, Donna Farmer, Dennis Prah, & Paschko Vuksanaj
Coach: Kannan Menon
Advisor: Professor Chen

The Alona E. Evans Award for Best Memorial
The Brunson McChesney Award for being the United States National Champion
The Award for Being One of the Top Four Teams in the World

Kaufman Securities Law Competition

Michael Gaschler & Thomas Litsky
Coach: Tom Rigiland, Alumnus
Advisor: Professor Dent

Marshall-Wythe Invitational Competition

John Meyers, Tom Agoglia & Michael Braverman
Coach: Agostinho Ribeiro
Best Brief, Quarter-Finalist

Albert R. Mugel Tax Competition

James Morgan, Tom Hierl & Steve Wislocki
Coach: Valerie Calistro
Advisor: Professor Natbony

National Appellate Advocacy Competition

Lynn Mourey, Eric Lindenman, Mark Williams & Lisa Shulman
Coach: Dennis Prah
Advisor: Professor Angioletti
Eric Lindenman-Best Oral Advocate
Semi-Finalists

National Competition

Kannon Menon, Sherri Eisenpress
Coach: John Howley
Took First in Regional Rounds Beating NYU
Second Best Brief

National Trial Competition

Saadia Luzzi & Cynthia Hanrahan
Coach: A. Xanthakis
Advisor: Professor Cerruti

National Environmental Law Competition

Steve Wislocki & Larry Reilly
Coach: Joanne Jawidzik
Quarter-Finalists

Samuel Polsky National Competition

Darren Margolin, Lisa Varriale & Julie Goldstick
Coach: Agostinho Ribeiro

Mid-Year Competition

Maria Fury-winner
Kevin Lee-Best Oral Advocate
Julia Swanson-Best Brief

The Philip C. Jessup International Law Moot Court Competition

WORLD CUP ROUNDS

The World Cup Rounds were held in Chicago, Illinois from April 3 through April 8 at the Palmer House. At those rounds the New York Law School team, comprised of 3d year students Sandra G. Corbitt, Hassan Fancy and Dennis Prah; 2nd year students Donna Farmer and Pashko Vuksanaj; and their coach, 3rd year student Kannon Menon.

The NYLS team won the following honors:

* The Alona E. Evans Award for best memorial-second place;

* The Brunson McChesney Award for being the United States National Champion;

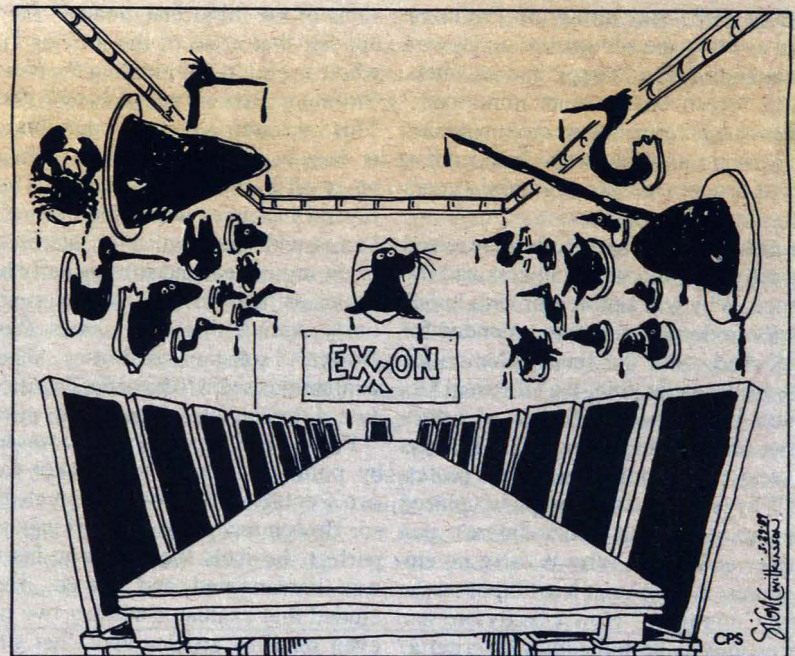
* The award for being one of the top four teams in the world.

Approximately thirty-five teams representing twenty-five countries presented oral arguments concerning the Vienna

Convention on Diplomatic Relations and the State seizure of assets administered by an international monetary organization.

NYLS was one of the twelve teams, from the over 130 law schools which competed in regional Jessup competitions in February, representing the United States. In the preliminary rounds of the competition, NYLS competed against the National University of Taiwan, the National Autonomous University of Mexico, the University of Oregon and the University Malaya—Kuala Lumpur.

After advancing to the top eight teams of the competition, NYLS argued against the University of Southern Texas and won the United States National Championship. In the semi-finals, the NYLS team argued against the University of British Columbia which went on to win the Jessup World Cup, beating the University of Australia, Melbourne.



SBA APPOINTMENTS 1989-90

SBA APPOINTMENTS 1989-90

JUDICIAL BOARD
Christine L. Wilson
Andrew D. Klapper
Barry I. Block
Paul J. Ryan
Jackie S. George
Election Committee
Ariadne Krassas
Stephan Gottshalk

Latino Law Students Society

The Latino Law Students Society held elections on April 1. Effective on May 1, 1989, the new officers will be: Chairperson José Luis Ortiz, Vice-Chairperson Celestina Ortiz-Jefferson, Secretary/Treasurer Rochelle Roca, Attorney General Amanda Marrero. Our office is located at C-105 for anyone wishing to obtain more information or to join the organization.

A STUDENT'S PERSPECTIVE

by Daren R. Domina

The papers are scattered everywhere. Every piece of paper I could accumulate on the tenure issue is on this desk somewhere. It's time they were put away but just a few more things need to be said.

In writing the factual articles on this dispute, I tried to divorce myself from the emotionalism that has been running rampant and tried to emphasize the simple facts, or what I saw as the facts. Although I hate to pontificate in a medium such as this, I feel I've got an inside perspective that might be of some interest.

There seem to be three interrelated issues here.

Issue 1: How exactly does the tenure process work?

Issue 2: Why did the Tenure Committee not recommend tenure for Professors Bowen, Silver and Grosberg?

Issue 3: How are students affected by issues 1 and 2?

Hopefully the reader has seen the article describing somewhat how the process works. But there is still some confusion. Do outside evaluators receive the tenure criteria or are they just given broad directives? Reading Prof. Bowen's evaluations would seem to indicate that two sets of standards were used. Is this fair? Dean Jonakait, a member of the committee, has stated that it doesn't matter because he knows what the criteria are and can judge the evaluations with those criteria in mind. That sounds strange to me. In other words, work is sent out to be critiqued and when those critiques are received by the committee, each member critiques the critique. Isn't the work supposed to be critiqued? What was the purpose of sending it out in the first place? Isn't this wasteful? Wouldn't it be easier and more fair if the evaluators had the same criteria upon which to judge the work?

And how much does the committee rely on these evaluations? This is perhaps the most important question. Surely the members read and evaluate the work for themselves but what if a recognized "scholar," in a field about which a member is not that familiar, comes to a different determination? Wouldn't the committee member naturally defer or at least give great weight to the "scholar's" evaluation? It is easy to see how these outside evaluations could significantly affect the committee decision. Is it fair to decide one way or another on such an important decision because one outside "scholar" disagrees with the premise of a scholarly writing? What about evaluations that seem biased or overly vehement? Should they be considered at all? It would seem that a mechanism for invalidating such evaluations should be provided for and other evaluators chosen. For such an important decision as the recommendation of tenure, this does not seem overly unfair. Perhaps when such serious concerns are raised as they have been here, the candidate's entire application should be reevaluated.

Dean Simon has stated that the final vote of the full tenured faculty is such a reevaluation. Is it really? The whole purpose of the committee seems to argue against this. A small committee is needed to evaluate in depth a candidate's application. The committee makes a decision. Imagine yourself a full tenured faculty member. This committee has worked "grueling hours" to make an informed decision. You know the candidate but simply don't have the time to read all of his/her scholarly work. You can't reevaluate the work. It is natural that you are going to give great importance to the committee vote. Perhaps the final vote is more procedural than anyone would care to admit. I would like to see documentation revealing how many past faculty votes have overturned the committee's decision. According to students, the faculty vote did overturn the committee's decision in Prof. Silver's case. However, Dean Simon exercised his elusive "veto" power ultimately denying tenure to Prof. Silver. In effect then, Dean Simon possesses the real

power to grant or deny tenure. Is this fair?

Why is it so hard to get a copy of the tenure criteria, anyway? Are they doing something we shouldn't find out about? It is utterly ridiculous that if students are concerned enough to want a copy of the criteria, they should be discouraged from getting one. Doesn't it sound strange that only when I communicated my association with the paper that I was "allowed" a copy? Since we are starting to delve into issue 3, let's postpone this and the discussion about having student representation on the committee.

One final observation: what exactly is the purpose of tenure? Why should scholarly writing be such the deciding factor that it can outweigh dedicated commitment to NYLS and excellent teaching ability? It seems to me that there are some individuals who will never be good educators but writing skills can be honed and improve with time and greater "legal maturity." Shouldn't commitment and contributions to NYLS be measured more heavily than they are? After all, it's *New York Law School* that is or is not granting tenure.

Issue 2: I have no personal knowledge of either Prof. Grosberg or Prof. Silver but I've heard very good things about them. They seem like good educators. I have spoken to Prof. Bowen and found him courteous and professional. Of course, that means nothing about his ability to teach or write. But let us weigh the evidence. Fact: James Bowen has an impressive educational background. Fact: He has been published four times with one or two articles upcoming. Fact: One of his works is being used by the NYC Dept. of Social Services for Children. Fact: Prof. E. Donald Shapiro thought his Family Law article was very good. Fact: Prof. Bowen has started two new classes since coming to NYLS in 1983. Fact: Prof. Bowen is highly regarded by his students. Fact: Prof. Bowen, whose acquisition was described by administration as a "coup," is a Black professor with a non-traditional, minority perspective in an urban law school with very few minority professors.

Sounds good but maybe he just can't write. Maybe that Family Law article was an aberration. Or maybe, as I can hear one student yelling, it is all racially motivated. I'm certainly in no position to judge whether Prof. Bowen has scholarly writing ability equal to the expectations of the faculty. But . . . the problem arises when you read his evaluations. The first is a mixed review with a positive emphasis. It concludes that Prof. Bowen's work is important and indicates a recommendation for tenure. The second evaluation is damning. It seems a narrow-minded, barely veiled attempt to destroy writing which shares a different viewpoint. It seems biased. I thought to myself, shouldn't this person be reviewing more the writing skills? The nine student authors and rally organizers seemed to share such a misconception. Yes, I just typed "misconception." After you've read over the criteria for scholarship, you see that it is the material itself which forms the basis for an evaluation, not just the skills apparent in the writing. The substantive nature of the works is more "on trial" than one would think. Therefore, the second evaluation has slightly more credibility upon a third or fourth reading, keeping in mind the criteria. However, it still seems overly negative and biased and the second evaluator does not support his/her conclusions. What does all this mean? I'm not sure but I don't think the committee decision was racially biased. There is just no real evidence. The problem exists with the second evaluation. It makes students uneasy to think that such an evaluation could have such importance in the committee's determination. It is too subjective and narrow-minded. But, as Dean Simon has said to me, "It just doesn't matter what YOU think."

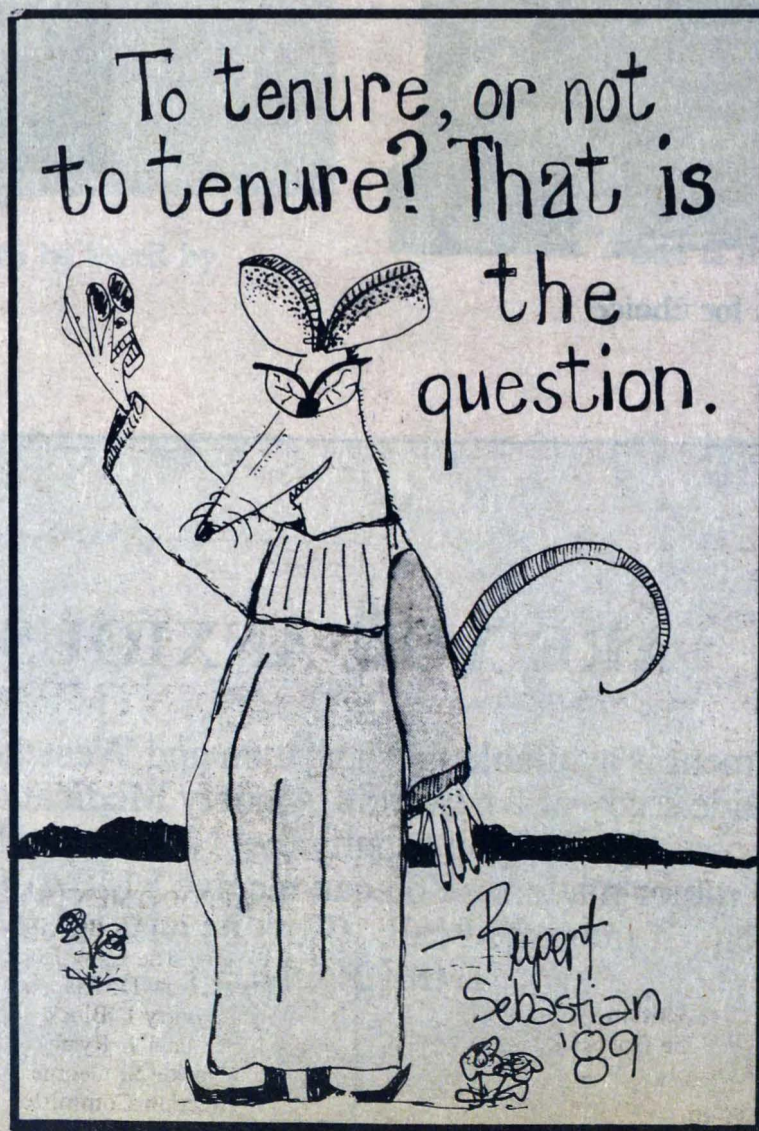
Issue 3: Although their hearts were in the right place, the students who ignited this small controversy should have gotten more information and examined more closely their allegations of racial bias. However, there seems one unmistakable fact: something wrong is going on here and we'll probably never know exactly

what it is. One can only speculate. How does this affect the NYLS student? Consider the following: Tenure decisions directly affect the quality of teaching in this school. It directly affects the dissemination of legal knowledge to students. From a student's viewpoint, isn't it better to have an excellent teacher in whose class you soak up legal truisms like a dry sponge and who may only be a fair scholar, than a lousy teacher whose scholarly works, which you may never read, are considered excellent? Perhaps.

When asked about student input on the committee, Dean Simon evinced the feeling that it was an absurd idea. Consider this: This is graduate school, students for the most part are adults. This is law school and students are trained how to reason and analyze, along with a host of other professional skills. Students control the law review across the country and determine what articles are chosen. These same publications are relied upon by future students and lawyers. Students have real life clients in clinics. It seems stupid to go on. Students are given enormous responsibilities. If they are mature, sophisticated, and educated enough to handle these endeavors, then their input on a committee may be instructive.

Students crying "racism" point to the very few minority faculty and indicate how the current committee and faculty decisions have greatly weakened what little minority and public interest perspective there is at NYLS. It does seem strange that such an urban school has so few minority faculty. Administration counters by stating how hard minority professors are to get because the private sector is simply too attractive financially. Accordingly, when a candidate does appear, shouldn't the school take special care to evaluate him/her? Administration is saying "we can't find any," and students are yelling, "open your eyes and look straight ahead."

This entire episode points up the incredible schism existing between administration and the student body. My talk with Dean Simon and Dean Jonakait has convinced me of this barrier. Dean Simon was very defensive and annoyed with me. Granted that he could not speak to the particular aspects of any pending tenure vote, but he could not even address basic student concerns or general school policies. I felt like I was talking German to two French men, and I could only listen in English. Every single one of my questions somehow seemed to be misconstrued. It was frustrating and pointed to the severe lack of understanding and respect that the present administration accords the student perspective. Then suddenly Dean Simon kicked me out, saying my time was up. I guess students really don't matter. There is simply no real mechanism for student input. As I was leaving the interview with the Deans, an acquaintance asked me what was the matter. I told him, "I don't know how it happened—I was polite, I asked all the right questions—but somehow I've made an enemy in the Dean." It was all very unsatisfying. But the message is clear—student input is not "needed" or wanted. A woman at the rally put it this way: "You get what you deserve." Maybe now is the time to start pushing for more student input and more student rights. Or are we going to let this incident just fade into obscurity like all the others? Probably, we will.

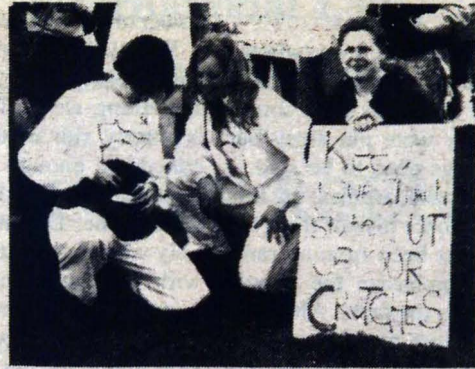


Retraction

This editor would like to admit to yet another example of incompetence. *The Reporter's* last issue's lead story by Jessica Wahl should have had the headline "Schnabel Challenges Closed Clubs." The person in charge of headlines reversed the lines. He has been demoted.

Reproductive Rights:

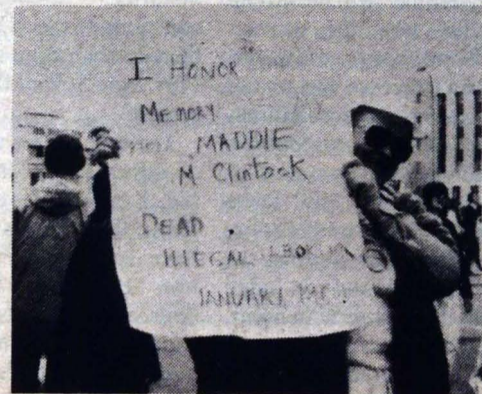
These pictures may not be reproduced, even by choice, without the express permission of the *Reporter*.



"Keep your church state out of our crotches."



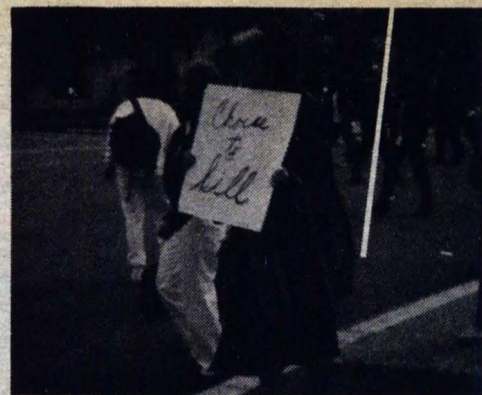
Believing Naral to be an Indian philosopher, Sabrina Shroff inadvertently found herself in the pro-choice camp."



"I honor the memory of my friend Maddie McClintock, dead from an illegal abortion January, 1964."



Fertile octogenarians for choice



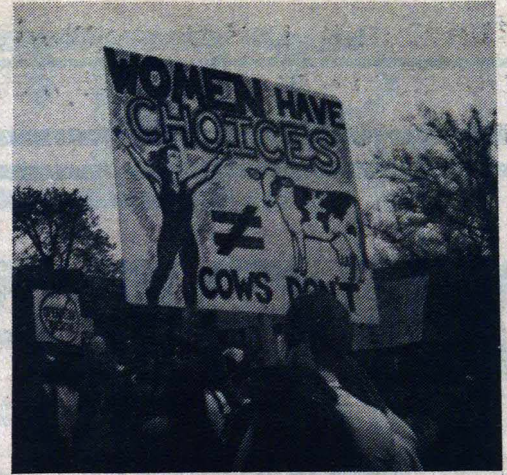
"Choice to kill."

ARE YOU ANXIOUS?

Free treatment is available in Manhattan and Westchester as part of a Nationwide study of a new Anti-Anxiety Medication. You may be eligible to participate if you usually feel Nervous and Worry too much about minor matters. You can receive \$150 to \$200 for your participation. If interested call: (914) 347-2220. 9-5 P.M. Mon.-Fri. (MEN ONLY)



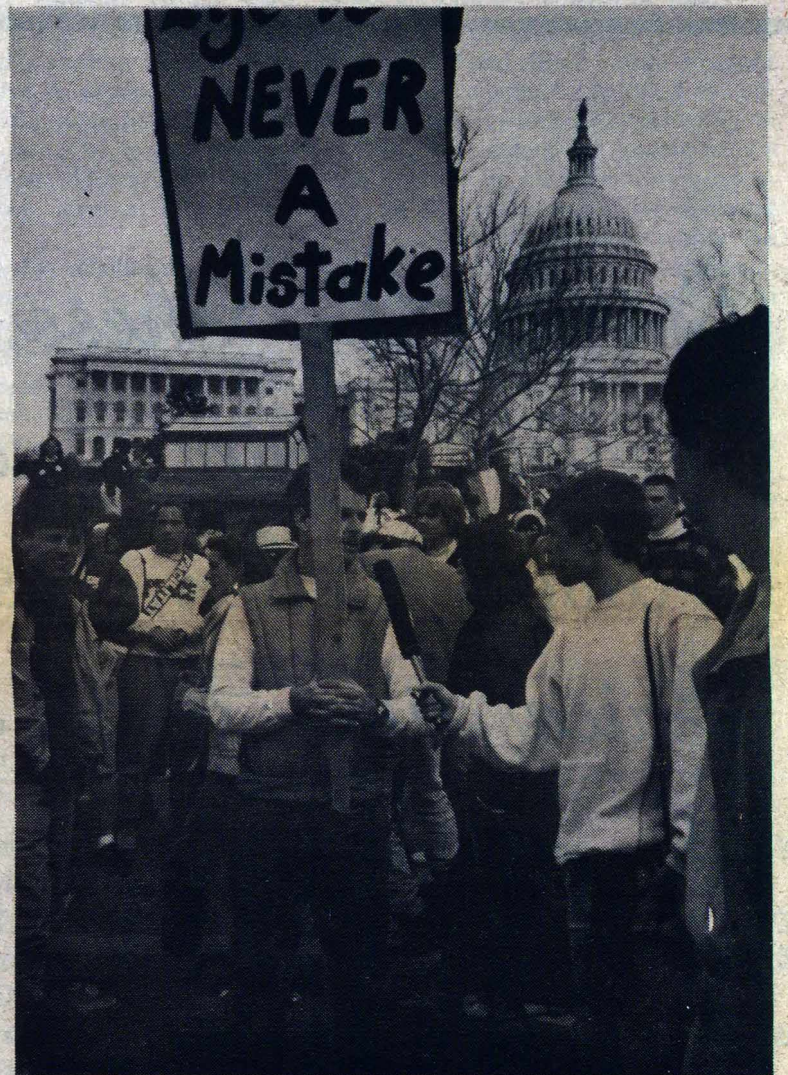
"If I have a baby, who will give it a life if it is black, drug addicted, physically challenged."



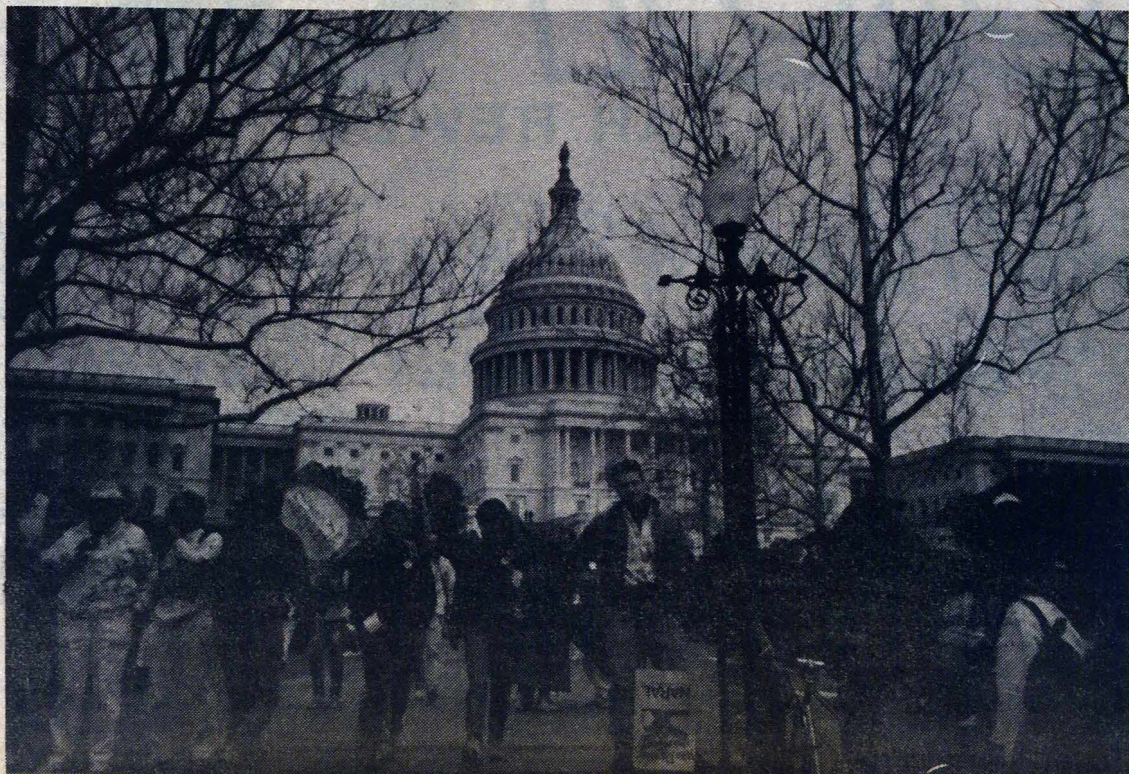
"Women have choices, cows don't."



"All children deserve to be loved by their parents."



"Life is never a mistake."



Our own Evan Augoustiniatos doing penance for his bar review

CONGRATULATIONS To The Class of 1989

Stanley D. Chess, Esq., Director

Steven Rubin, Esq., Associate Director

Robert Cohen, Esq., Assistant Director

Erica Fine, Esq., Assistant Director

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