The New York Law School Reporter, November 1996

New York Law School

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Making Music at NYLS

By Gila Garber

Entertainment lawyers, students, and others in the music industry came together on October 9th at the New York Law School to present an extensive panel on the music industry. The panel was a mix of lawyers and non-lawyers and was moderated by Panelist David Souter providing the decisive votes on critical issues. Two moderate Clinton appointees, Ruth Bader Ginsburg and Stephen Breyer, have strengthened the Court's center. Simon's book focuses on four key areas of constitutional law: racial discrimination, abortion, criminal law, and First Amendment freedoms. Simon's conclusion that the Court has maintained a "centrist" position on these key issues is based on his analysis that the Court has eroded the Warren Court's direction on racial discrimination and criminal law while either expanding or more less holding the line on abortion and First Amendment freedoms.

Bomb Scare Rocks School

By catboy

October 7, 1996: What can I say? I spent the entire day studying in the library, and when I began my trek home at 10:30pm I was drained. However, I still had enough energy to get pissed off when I saw a stack of notices on top of the Reading Room. As soon as I read the notice and learned about the "October 9th bomb scare," I ran downstairs to see David Drossman of the Reporter. Dave is an alright boy, I can't say that I completely agree with all his political leanings, but I will tell him a story every so often. It never occurred to me that Dave might ask me to write a story about this bomb scare, but he did. I agreed to write something or another. Heading home now, I stopped to ask night security guard Robert Clemmons if he knew anything about the bomb threat. Robert was enthusiastically arguing with another security guard, because Robert had taped some notices to the main entrance doors. The other guard did not think that the notices belonged on those doors. When he finished arguing, Robert turned to me and told me that he was "not allowed to give any information" regarding the bomb threat. He referred me to George Hayes.

When I finally got home tonight, I decided to call my friend "Rusty." Rusty went to University of Madison during the late sixties, and he wrote for the paper there. Considering his personal resume, I figured he would know some

Bomb Scare Rocks School

The topics of discussion included an overview of the music industry, responsibilities of an entertainment lawyer, and issues concerning copyright and the Internet. Mr. Robinson discussed the combination of entertainment and corporate law that he encounters at work. A more business oriented perspective of the industry was given by Ms. Patterson. Ms. Lepera, who has represented artists such as Billy Joel and Andrew Lloyd Weber in copyright infringement cases, brought up some tactical concerns of lawyers in the music business. Mr. Chertoff addressed the importance of collaboration between lawyers and their creative counterparts.

The Internet's impact in the music industry sparked a heated debate that drew a lot of comments. Continued on Page 13

The Supreme Court's Center Still Holds

by Hansen Alexander

One year after the publication of Professor James P. Simon's best selling book, The Center Holds, the United States Supreme Court continues to resist a quarter century of Republican court-packing intended to reverse the libertarian legacy of Chief Justice Earl Warren.

The Court's balance of power remains in the middle with conservative Reagan and Bush appointees Anthony Kennedy, Sandra Day O'Connor, and David Souter providing the decisive votes on critical issues. Two moderate Clinton appointees, Ruth Bader Ginsburg and Stephen Breyer, have strengthened the Court's center. Simon's book focuses on four key areas of constitutional law: racial discrimination, abortion, criminal law, and First Amendment freedoms. Simon's conclusion that the Court has maintained a "centrist" position on these key issues is based on his analysis that the Court has eroded the Warren Court's direction on racial discrimination and criminal law while either expanding or more less holding the line on abortion and First Amendment freedoms.

Simon said in a recent interview that O'Connor said in a recent interview that Romer v. Evans and United States v. Virginia, decided in the last term, suggested that the Court's center is sensitive to civil liberties. "Kennedy wrote a very passionate opinion for the Court in Romer," Simon observed.

Kennedy, Simon said, was swayed by briefs in Romer which did not argue that sexual orientation should be a fundamental right but that it was a violation of the equal protection clause to discriminate against homosexuals.

Although he resisted predicting the Court's adjudication on the hot topics of the new term such as physician assisted suicide, Simon did speculate that O'Connor, based on her vote for the majority in Romer, probably would not want to overturn such a recent decision as Bowers v. Harwick. However, he thinks they might overturn a sodomy statute based on sexual status rather than sexual conduct.

While the Court is clearly less sensitive on race than the Warren or Burger Courts, it is more sensitive than Croson and Adarand might suggest, according to Simon. He said O'Connor and Kennedy are fact driven, not ideological conservatives, and that they do not close the door on race conscience programs. "In political redistricting cases O'Connor straddles the line but says race can be a factor," Simon said. The Court will hear another redistricting case this term.

Although Simon noted that the Supreme Court has been cutting back Congress' powers since Lujan in 1976, he strongly dissented from the conventional view that Lujan means this Court intends to sharply limit the commerce clause. "I'm not so sure Lopez was a revolution even as a regression from commerce clause doc-

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November 1996
Sound Off To The Ombudsman

An Ombudsman investigates reported complaints (from students or consumers) on failure, and helps to achieve equitable settlements (Webster's Ninth New Collegiate Dictionary, p. 537, 4th ed. 1985). The Ombudsman's column Sound Off To The Ombudsman is presented for entertainment purposes only.

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

To The Ombudsman,

I feel compelled to respond to all the bad publicity the Irish Law Students Association (ILSA) has received. As a first year evening student I have yet to attend an ILSA meeting, but I do much to exacerbate everyone seeing us as "bubblers." You assert that the Irish only export alcohol and I must disagree with this. You then go on to trash the Irish Law Students Association's (ILSA) mission statement I have yet to attend an ILSA meeting, but I do much to exacerbate everyone seeing us as "bubblers." You assert that the Irish only export alcohol and I must disagree with this. You then go on to trash the Irish Law Students Association's (ILSA) mission statement

You also state, "Moreover, Irish people in general have done much to exacerbate the image of themselves as drinkers." You then go on to trash the Irish in general and not as bad as pubs in Ireland. Nor are the pubs there as bad as you portray "the Irish in general" to be. They are warm, friendly people. It's a pub in Ireland. I have been to Ireland several times and can assure you that the Irish people are not a bunch of drunks as you portray "the Irish in general" to be. They are warm, friendly people. It's ironic that you should stereotype them because when I went to Ireland I took several friends (of all nationalities and religions) and not one of them felt they were disliked or mistreated. If anything, they couldn't believe how kind and generous the people were. They may not have a lot in the way of money, but they are rich in spirit and generous by nature.

So, before you stereotype all Irish people, maybe you ought to do a bit of research. You make light of the situation in Northern Ireland, which only leads me to believe that you have never been there and seen the guards at their border, nor have you seen what was once a beautiful part of their country destroyed by bombs and fighting. So please Ombudsman don't stereotype an entire group of people. This is not the place to air out personal prejudices or hatred of any kind.

Q: Dear Ombudsman,

The other day, some buddies and I were sitting in the library, and we noticed that this year, there are more girls with big breasts. We started discussing the topic, and we all agreed that girls with bigger breasts probably score lower on their LSAT exams, because girls with bigger breasts are generally "bubbly," and not as smart as girls with smaller breasts. Can you prove or disprove this theory?

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- The Bubble Theory Bunch

A: When I first read this question, I thought it would be good to print, because it would encourage the people in the admissions office to no longer admit students who score below 140 on their LSAT exams. After reading it again, however, I thought it would afford me an opportunity to show the readers of this column that there are actually men in our school who think like this. Because I was so dumfounded by these people, I asked my friend, who is working on a graduate degree in psychology, to provide me with some sort of insight into the minds of the Bubble Theory Bunch. She informed me that this was an obvious case of "Small Genitalia Syndrome." Apparently, men with small genitalia single out people (male or female) who seem genetically superior in certain areas of their anatomy, and try to compensate for their own misfortune by degrading others. If this psychology stuff confuses you, please allow me to simplify things. These guys are assholes. In fact, before reading this letter I had twenty nine words for "asshole" in my vocabulary. I wish that I knew the first name of the leader of the Bubble Theory Bunch, so that I could make it an even thirty. I know that this was probably meant as a joke, but the fact is—it's just not funny.

Q: Dear Ombudsman,

I'm a first year student who can not understand why we work so hard in legal writing only to get 2 hours of credit. I know this is normal ... but I think that they should make legal writing a "A" hour class or a "B" hour class and not a "2" hour class. Can you put in a few words with administration and try to tell them that we're sick and tired of this?

A: I swear to all of you reading this, that I did not fabricate this question. This was obviously written by a member of the Bubble theory Bunch, because it was written by an absolute moron. The only response that I can give to the writer, is that if legal writing was a six credit course, you would flunk out of school.

- Miss Lanigan

The Reporter, New York Law School's Student Law Journal, is a char­tered student organization. The Reporter is independently published by its student members and is printed periodically during the school year.

The Reporter welcomes submissions from all students, faculty, alumni, staff, and other members of the legal community. All contributions are given high regard, and any input is welcomed. All contributors are given the opportunity to review their submissions before the newspaper is published, subject to considerations of time and practicality. Our editors, at the request of the contributors, can assist with formulating and writing articles.

Authors of articles submitted to the Reporter are ultimately responsible for the veracity of any article submitted and accepted for publication.

The views reflected herein are those of authors, and not necessarily those of the Reporter, New York Law School, or of any editor or staff member.

Letters, article submissions, and other correspondence should be addressed to: Editor-in-Chief, The Reporter, New York Law School, 57 Worth Street, New York, New York 10013-2960. The number of the Reporter is (212) 431-2100 Extention 4202, and the fax number is (212) 966-1522.

Articles should be submitted on an IBM formatted disk with a hard copy and program used indicated to the Reporter at the above address or to Room 12 in the basement of the "C" Building, New York Law School.

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THE FUTURE IS NOW!

By Alexandria Mabry

When you peruse the literature on technology in education you'll see a number of trends emerging: telephone networks; collaborative education using computers; experimentation with computer based instruction; the re-emergence of long-distance learning, using computers; a heavy use of e-mail; and elaborate interschool networks.

NYLS introduces its interpretation of advanced technology to the best of its capacity. We now have installed new cable that will support both the telephone system and the computer network. This allows for exchanging electronic mail, conducting research on remote data bases and sharing files, software and other network resources.

For your individual convenience, we have telephones located throughout the school in case of an emergency, or in case you feel like calling your friend regarding extra-curricular activities. If you neglected to pick it up from room A404. It's free, and you can use it from home. Look for employment, use Lexis, e-mail, and even communicate with fellow students and Professors regarding anything from Civil Procedure basics to how to most effectively negotiate a sales contract.

FYI: 'Law Schools Online' will be available for distribution to 1Ls, and those 2L and 3Ls who neglected to pick it up from room A404. It's free, and you can use it from home. Look for employment, use Lexis, e-mail, and even communicate with fellow students and Professors regarding anything from Civil Procedure basics to how to most effectively negotiate a sales contract.

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FYI: Student Consultants are available in the student computer labs to answer your burning questions, and/or provide you with ink and paper, during the following hours: Monday:9:00-6:00; Tuesday: 9:00-12:30, 4:00-5:45; Wednesday: 9:00-1:00, 2:00-4:00; Thursday: 9:00-12:00, 4:00-6:00; Friday: 10:30-3:30.

If a student consultant is unavailable during a time in which you find to be most crucial, either contact the Help Desk at extension 2316 and/or locate Arlen Rauschkolb via the Help Desk. PS: the consultant will be the person in the small room with the couch.

FYI: Computer Workshops for students will be held: Tuesday, November 5 from 9:30-10:15; Friday, November 15 from 9:30-10:15; Thursday, November 21 from 1:00-1:45; Wednesday, November 27 from 4:00-4:45.

Topics covered include WordPerfect basics and Pegasus E-mail. Seats are available on a first come first served basis.

LETTERS TO THE EDITOR

Dear Editor,

I am sick and tired of listening to my classmates complain about the conduct of their peers to professors. If you have a problem with one of your classmates, be mature and approach them yourself. Complaining to a professor about a peer when they are not there to defend themselves is cowardly and juvenile.

I recently witnessed a group of about eight students bitching to a professor about a comment a student made in class. The professor is not the one that should deal with this situation, it is the people complaining. Complaining to a professor just makes the class look like a bunch of crybabies who can't solve their own problems.

Sincerely,
S. Lehman

Write For The NYLS Reporter

We welcome your opinions and contributions. Make your voice known and promote your interests. Simply write articles, editorials, letters to the editor, letters to the Ombudsman, comments or suggestions on topics of your own choice, or let us come up with the ideas. Your opinions and thoughts are important, and deserved to be shared with the NYLS community. You may write under your own name, a false name or anonymously. No reasonable story refused! Drop off contributions at the Reporter office in Room L2, the lower level of the "C" Building (across from the TV). Or call (212) 431-2100 Ext. 4202 for ideas or more information. Any free time you can contribute is valuable to the Reporter.

Get a Leg Up!

In the October and November issues of the Reporter, some readers have voiced concerns about generalizations written by the Ombudsman, "condemning the Reporter's actions" and stating that "this is not the place" for such dialogue. The Reporter's goal is to open up the lines of communication within the NYLS community, not interfere with the open exchange of ideas. If some, all or none of the students at our school think all Jews are cheap, all blacks are on welfare and all Irish people are drunks then they are entitled to their opinion. It is not the responsibility of the Reporter to censor unpopular student opinions, and it certainly is not to take a side in the political correctness movement. Opinion is the mortar holding positive discourse together, and to take that away would tear apart the fabric of a great society (and a great publication) built on freedom of speech.

David Dressman, Editor-in-Chief

EDITOR'S NOTE

...the ultimate good desired is better reached by free trade in ideas—that the best test of truth is the power of the thought to get itself accepted in the competition of the market and that the truth is the only ground upon which their wishes safely can be carried out. That at any rate is the theory of our constitution.”

-Justice Holmes

NOVEMBER 1996
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PROF. ARTHUR MILLER

on

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When IL Lisa Miller arrived at NYLS from her home in Los Angeles, she knew that she was far from home. With no family or friends to support her or to help her find a place to live, she put her trust in NYLS and opted for the new dormitories located at the twelve story St. George student residence in Brooklyn Heights. In addition to the no-hassle convenience of student housing, the close proximity to NYLS and the "renovated" rooms were also incentives to cross the East River.

Unfortunately, she and other NYLS students have gone from bright-eyed students to nervous wrecks in only a matter of weeks. Massive hot water pipe bursts on three different occasions caused ceilings to collapse and trapped many students in their rooms. IL Carrie Cavallo told the Reporter, "The building is a mess."

On September 21 at 1:00 A.M. heating pipes burst in room 739, sending 140 degree water gushing down the walls downstairs to room 639, and finally collapsed the ceiling in room 539. Two weeks later, a similar burst sent students running from the seventh floor down to the third floor.

I was awakened out of a dead sleep only to find my room filled from floor to ceiling with steam, flooded with extremely hot water and the ceiling and walls crumbling.

Saturday, October 5 at midnight brought the worst flooding and damage of the three explosions. Panic struck students as ceilings collapsed and walls of boiling water sprayed down from the seventh floor all the way down to the second floor. No fire alarms went off, and as a result most residents had no idea what was happening to their neighbors. Miller was trapped in her room because the ceiling over her door collapsed, leaving a boiling waterfall blocking the only way out. "It was like a thunderstorm in the building." A courageous student named Crystal threw a sweater over her head and ran in to help Miller get out.

Building security was contacted but obviously not aware of the magnitude of the problem. Residents were told "someone will be here tomorrow to fix the problem." Pleading students got the keys from security to help other trapped students get out of their rooms. Security was not helping, so brave students from various schools helped each other out. Then important papers and personal possessions were moved into the hallway as students darted in and out of rooms until 9:00 in the morning. Unfortunately, students were reminded that this is New York City; a 3L had 300 CD's stolen and Miller and Cavallo had their wallets stripped of cash. Most students were not as lucky as Miller, because she still had not received most of her belongings from home.

Those students whose property was damaged or destroyed were compensated by the building's manager, Educational Housing Services. Over four hours passed until the water was shut off because firemen and building management had trouble finding the valve. However, by that point the damage had been done. In addition to displacing 12 students, the water destroyed a newsstand outside the building, flooded the street, and shut down the 2 and 3 subway line that runs...
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NOVEMBER 1996
Experiences: Immigration Rights March

By Dave Bliven

I went down to Washington with a firm political stance. I was a Democrat with socialist inclinations, but strongly in favor of Clinton/Gore. I even signed up to work on their re-election committee, having worked for them in '92. It was much to my dismay that the Socialists were badmouthing Clinton. "I may not agree with everything that Clinton has done, but he is the lesser of two evils." A member of the Socialists disagreed. "Clinton has broken just about every campaign promise that he made, and in compromising with the Republicans, he signed a Welfare bill that will literally result in thousands of homeless because the jobs do not exist for so-called Workfare. Besides, he is in favor of the death penalty, and if you are truly liberal, then there is no way you can support anyone in favor of the death penalty. It's a matter of being true to yourself."

I found myself unable to come up with an analytically-sound counterargument, and instead stood there repeating, "Yeah, but he's the lesser of two evils." For all those who have been in my classes (particularly Constitutional Law), you know that I am usually articulate on matters of justice everywhere. If democracy is to win its fight, the Socialists are a loud bunch. Among their chants were quite a few people marching. There were people lined up in the street for as far as the eye could see, and I was in the middle of it all. The Socialists were a loud bunch. Among their chants were: "Dole sucks, Clinton lies, it's time to organize." "They say go back, we say fight back." "Time to stop the racist fear, immigrants are welcome here." The marchers were mostly Latinos; I found out later that the March was billed in most areas as a Latino March for Immigrants Rights.

Injustice anywhere is a threat to justice everywhere.

As the March began, I could see that there were quite a few people marching. There were people lined up in the street for as far as the eye could see, and I was in the middle of it all. The Socialists were a loud bunch. Among their chants were: "Dole sucks, Clinton lies, it's time to organize." "They say go back, we say fight back." "Time to stop the racist fear, immigrants are welcome here." The marchers were mostly Latinos; I found out later that the March was billed in most areas as a Latino March for Immigrants Rights.

I looked around at the signs people were carrying, and some were quite funny (in the ironic sense, not the split-your-gut-laughing sense). "I.T. is an alien, I'm a human being," and "Who are the alien, pilgrim?" At first, I was overwhelmed by the rhetoric. By opening the borders to all immigrants, wouldn't that mean millions of poor people flooding into our borders? Why should Americans have to pay just because other countries are poor? Why should Americans work hard to see someone else eat their food?

[All people of this world are] tied into a single garment of destiny. Whatever affects one directly, affects all indirectly. We are all made to live together because of the interrelated structure of reality.

I could not chant with the Socialists at the beginning of the March. Not only do I hate drawing attention to myself (shocking statement for those of who are in my Constitutional Law class, but it's true), but I also didn't understand what the chants meant.

As the march went along, though, I began to see that immigrants do not come to this country to take our jobs, our food, and live off welfare. Most immigrants come to this country because they have no choice. Their choice is: come to America, or die of starvation, disease, etc. What would you do in the same situation?

The reason there is such poverty in the world is precisely because there are rich people in the same world. Think about it. If a 12-piece pie represents all the wealth in the world, and one person snatches up 10 pieces, then there are going to be some people fighting for table scraps - literally (e.g., the top 5% in income in this country hold 90% of its wealth).

Freedom is participation in power.

By the end of the March, I was chanting just as loud as everyone else and feeling good.

For the first time in my life, I raised my fist to the government, and it felt good.

When we arrived at the Ellipse (the site of the rally-the large lawn just behind the White House), I could see just how many people there were - about 30,000. The speeches started at 1:00p.m., and ended at 4:30p.m. Many speeches were in Spanish, and although I took 6 years of it in grade school, I am a product of the fine American educational system, and thus could not understand a word (but, alas, if everyone spoke English we would miss the beauty that is diversity). Of the speeches in English, many were in trigging. A member of the American Indian Movement (of which I have particular interest, being that I am part-Native American) asked, "What right do they [government] have to differentiate between legal and illegal immigrants. In my mind, they are all illegal."

Another speaker pointed out that "Latinos are your doormen, dish washers, nannies, and tomato pickers. We do the work you don't want to. But do we get any respect or recognition? No, and yet we are descendents from these Americas."

Another commentator observed that "there are over 6 million voting-age Latinos in this country [today]. We are the fastest growing ethnic group, and by early next century, we will be the largest voting block in the country." These comments imply that now is the time to organize and take a stand against further encroachments against civil rights, or there won't be any rights left to protect.

[If democracy is to win its rightful place in the world], millions of people... must stand before the world as examples of democracy in action, not as voiceless victims of the denial and corruption of our heritage.

As I headed back home, I reflected upon what I had learned. I am now going to vote for myself, because I believe that I am just as qualified.
Professor Simon Speaks Out

Continued from Page 1

trine. In reading Kennedy's pivotal concurrence in *Lopez*, I didn't read his argument as declarative of a revolution. The Government didn't justify its authority under this particular statute [Regulating guns in school]. I think a later court could easily distinguish that case."

This month's electoral blowout guarantees that President Clinton will appoint at least three new justices in the foreseeable future. Chief Justice Rehnquist, O'Connor and John Paul Stevens are expected to retire shortly.

"Clinton probably will appoint another Ginsberg type moderate replacing Rehnquist or O'Connor, profoundly impacting the Court on civil rights and federalism."

Simon predicted. This would signal a movement to the left of where the center presently is. Scalia and Thomas will be increasingly isolated on the far right wing of the Court. Simon concluded. Simon did not speculate on whether President Clinton would appoint the first liberal to the Court since Thurgood Marshall in 1967, more than a quarter century ago. Simon said either Ginsberg or Souter would be "an inspired choice" to succeed Rehnquist as Chief Justice.

Although Ginsberg, the first Court nominee by a Democrat in 26 years and a former professor at Columbia Law School, was a pioneer in forcing recognition of women's constitutional rights under the Equal Protection Clause, she is a consistent practitioner of judicial restraint. David Souter was compared unfavorably to the Pope by many critics when he was appointed to the Court in 1990. Critics said Souter, a reclusive bachelor who as a New Hampshire Supreme Court Justice still resided in his tiny hometown of Weare, New Hampshire, did not engage in the kind of intimate activities that would make him sympathetic to people's personal rights. Besides astounding those critics with his sensibilities toward individual liberties, Souter has impressed everyone with his integrity and graciousness. Simon noted that Souter is a great admirer of NYLS alumnus John Harlan.

President Clinton, who often talks like a futures trader but usually acts like a bonds salesman, may make the safe choice and nominate Stephen Breyer to succeed Rehnquist. Breyer is popular with both Republican and Democratic senators because he served as chief counsel for the Senate Judiciary Committee before being nominated to the U.S. Court of Appeals for the First Circuit.

Not for Nuthin' But...

by Michele Sileo

Can we please have a more user-friendly student lounge? Trying to get through that mesh of tables and chairs out there is like macabreting your way through an African rain forest. I'm holding a tray full of hot food here, with a 50 lb. knapsack on my back, and a coat flung over my arm; and I'm supposed to be able to make it to a table without spilling, tripping, stubbing, banging or cursing?! Ya gatta be kiddin' me!

My suggestion, an aisle maybe? Some kind of organization, perhaps? I mean give me a break. I just got through a battle with the see-saw chairs; I don't need to start a new battle with the chairs in the lounge.

Take Me Out To The Ballgame

Yankee faithful turned out to cheer their team to World Series victory. Students were allowed to stay past the usual closing time of the building (11:00 PM) to watch the Bronx Bombers travel the road to the championship.

NOVEMBER 1996
In addition to property damages I demand a total reimbursement of every cent I have paid to NYLS for this housing debacle. I want out of my housing contract. I want 60 days to find a new place to live that is not associated with Educational Housing Services. If my demands are not met according to the standards stated above, I will fill the school and the St. George with reporters and news cameras.

HORRORS, Continued From Page 5

underneath the building. The fire department worked all night to get the floods under control. They went around to all of the rooms and beat on doors to evacuate the building. In contrast, the building management didn't even wake up sleeping residents to warn them about the danger. While waiting outside later that night, a cold Miller was given a jacket by a kind stranger, which she was still wearing when she told her story to the Reporter.

Three days after the flooding the heat was turned on again, this time overflowing radiators and filling many rooms with steam thicker than smoke. Miller walked by a flooded room with the door open, and security reluctantly followed her repeated requests to try to shut off the radiator in the room. For an hour the building was filled with steam, further shaking the residents' confidence in the structural integrity of the plumbing and infrastructure.

Living in the dorms has not been a fun experience from the beginning. "You name it, it probably happens here," said a frustrated Cavallo. Old paint and stained carpets in some rooms made some question whether the building was really renovated. Although most residents are students, some are on welfare or unable to care for themselves. Earlier this semester, a 93 year-old man, near death, was removed from his room after a pungent odor filled the floor. Upon removing the man, paramedics immediately called to have the room fumigated. "He was stewing in his own juices, unable to get up to relieve himself," said Miller.

At this point I had chunks of ceiling in my hair, eyes and mouth.

Still another guest is an ex-convict on medication. A security guard is posted outside his door because he doesn't always take his medicine. Unfortunately, students report the guard, as well as other building employees, as being drunk on the job much of the time. Another building in the complex had been damaged by fire and abandoned. Presently squatters live there illegally, and can be heard by residents at night.

Now some displaced students who have been moved into larger rooms have been asked to pay over $200 more in rent or to move back into their old rooms, which are still in a state of disrepair. Patched pipes, touch-up repairs on holes in the ceilings and stained carpets and walls are not what Miller had in mind when she moved into her "renovated" room. A group of students attempting to move out have met heavy resistance. The NYLS resident assistant, who finally identified himself to students two months into the semester, stated that he was "merely an information gatherer," and could not act as an advocate for the students.

Next the students went to the City Clerk and discovered that the St. George does not have a certificate of occupancy because of 172 pending violations in areas like construction, elevators and plumbing. A four page list of facts and complaints has been submitted to Educational Housing Services and NYLS in an attempt to break the lease.

Remaining students are afraid to turn on their hot water and heat. "The whole feeling around the building is really negative right now," said Miller. Many haven't slept well in over a week and have missed classes, still shaken from the experience. Cavallo summed up student fears, "Once it starts again, you don't know how long you have."

"Once it starts again, you don't know how long you have."
The new live Nirvana, Live From the Muddy Banks of the Wishkah, is also excellent, but the title of this album is horrendous. If I wasn’t a Nirvana fan, I would never have bought this because the title is so bad! But alas, this is the title they chose, so we’ll just have to deal with it and move on to the great music.

This CD consists of Nirvana performing live at various concerts during the time they were together. The songs range from the familiar (‘Smells Like Teen Spirit’), to the not so familiar (‘Negative Creep’). Since I am a fan of both Nirvana and live CDs, I knew I would like this, and I wasn’t disappointed. I had never seen them in concert, but with this CD at least I know what I missed out on, which are some great performances.

Nirvana live sounds like Nirvana live. There is nothing that annoys me more than when I go to see a concert and the performer sounds just like the CD. If I wanted to hear the songs on the CD, I would listen to the CD! Nirvana plays each song differently than they do on the CD, and that is one of the things that makes this CD great. Good songs on this CD are ‘Negative Creep,’ ‘Polly,’ and ‘Lithium.’ My recommendation—finish this up.

The Re110rt Has Him catboy

Every Month is a New Adventure
you could be, or you are the most beautiful person in ny law school. however, your beauty extends beyond the american dream, so, many lo­

ened by it. they try to fit you into this standard ,
cal folks either can’t comprehend it or are threat­

cause if you don’t, that just wouldn’t be cool.

holding subway doors is dangerous and delays service.

walking down the third s ex rat air from the basement (where most kegs are stored) is being pumped in, which causes the beer to go stale quickly. the nitrogen system pumps (you guessed it) nitrogen, an inert gas, into the kegs keeping the beer fresher longer.

The Bean Post also does everything pos­
sible to make sure their beer is cold. They have insulated the tap line, and serve their beer in frosted pint glasses and mugs. Speaking of beer, The Bean Post has one of the largest tap beer selections in Bay Ridge with 19 separate taps, but they are always taking on new beer and li­

qur. In fact they promote two or three new brands a week, with give-a-ways (bats, T-shirts), and raffles (bikes, VCRs).

Give-a-aways aren’t exclusive to beer pro­
motions. On Monday night there is a Monday Night Football party, where hats, jerseys and hot dogs are up for grabs. While you’re grabbing don’t forget to watch the game on one of the Bean Post’s 5 32’ screens, but you can’t miss the 154’ screen in the back. All six TVs are hooked up to two satellites that pick up any game, any time, anywhere. If that’s not enough to keep you entertained, The Bean Post also sponsors a dart team that plays every Tuesday night.

So if you’re bored, lost, lonely, on a first date, whatever the occasion, the Bean Post Tap House is definitely the place to go. It really is the "Cheers" of Bay Ridge.

Bar Review: The Bean Post

By Michele Silco

It’s late on Wednesday night and I’ve had about as much studying as I can handle, but I’m still not tired enough to sleep. Where do I go? To my home away from home , “where everybody knows your name”, I go to the Bean Post Tap House. Located at 7525 5th Avenue on the corner of 74th Street in Bay Ridge, Brooklyn, the Bean Post is that cozy bar you’ve been looking for.

The Bar has a real open airy feeling because of the glass French doors that surround it. Yet it’s polished wood bar, floor and tables give it that cozy feeling I was talking about.

The Bean Post has been at this same location for 14 years and is Bay Ridge’s third continuous establishment. I believe the reason behind its success is the work that goes into pleasing their customers. The Bean Post uses a nitrogen tap system which keeps the beer from going stale faster.

To keep an emptying keg from collaps­
ing in on itself, air is pumped into it. This air is by no means filtered which means old stale musty rat air from the basement (where most kegs are stored) is being pumped in, which causes the beer to go stale quickly. The nitrogen system pumps (you guessed it) nitrogen, an inert gas, into the kegs keeping the beer fresher longer.

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So if you’re bored, lost, lonely, on a first date, whatever the occasion, the Bean Post Tap House is definitely the place to go. It really is the “Cheers” of Bay Ridge.

Do it Once.
The New York Law School Air & Space Law Association cordially invites you to attend:

Air & Space: Past, Present & Future
Wednesday, November 13, 1996 from 6:00-9:00 p.m., Ernst Stiefel Reading Room, New York Law School
Susan Sullivan, Chair

CONFIRMED PANELISTS:
Speiser, Krause, Madole & Nolan, Kenneth P. Nolan, Esq.
Haight, Gardner, Poor & Havens, Frederick Alimonti, Esq.
Schnader, Harrison, Segal & Lewis, Lisa J. Savitt, Esq.
Condon & Forsyth
Continental Airlines, Leonard A. Ceruzzi, Esq.
Manager, Newark Int'l Airport, Benjamin Decosta, Esq.
AOPA, Roll Morrow
U.S. Department of Justice, Robert J. Gross, Esq.

RSVP: (212)431-2851, seating is limited

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SPONSORED BY:
Air & Space Law Association

Jewish Law Students Association
November 21 - Thursday night starting at 10:00 P.M., JLSA is sponsoring a pre-final event for all NYLS students at Webster Hall, which is located on 11th Street between 3rd and 4th avenues. Admission is $5.00 for students with school I.D.s, plus we have an exclusive bar for our enjoyment. Proper I.D. required.

BOMB, Continued from Page 1
thing about "bomb threat articles." We talked for a while, and he advised me to talk to the security guards. It sounds like a good idea, and I was planning on doing that anyhow. I also hope to meet with George Hayes, chief of security, tomorrow. All in all, I cannot help feeling some concern because I have a Wednesday Legal Writing class with Professor Ruescher. Bomb or no bomb, you can bet I will be on time.

October 8, 1996: Early this morning I had this crazy thought: "What if this whole bomb scare thing is New York Law School's way of breaking out color war?" I tried to explain this idea to Dave, but he had never spent a summer in sleep-away camp, so he had never even heard of color war. Otherwise a wall of silence pervaded the school this morning. No one from security would talk to me or give me any information about the bomb scare. No letters, no people, no ideas, nothing.

At most I learned that all the big-wigs had a meeting with the Dean, and one of the security guards is a Vietnam veteran so he will know a bomb when he sees one.

This particular guard does not know how to disarm bombs, though.

"Even if this is not color war," I think out loud, "wouldn't it be great to color war in law school? Everyone is under all this stress, people are competing, some are homesick, and some are bored. Color war would be a great way to unite and occupy the school. Of course war is always a great way to get people's spirits running. Think about all the women and children we kill in the name of patriotism.

Think about the white-boy-paramilitary-pychology. Think about how presidents [sic] gain popularity through wars...." In the midst of all this ranting a girl walked into the office and asked for someone from the Reporter.

This girl then hands Dave a notice from NYLS Center for International Law advertising Hon. Albie Sachs's lecture. I felt pretty stupid at that point. I mean, there I am coming up with color war schemes and trying to pry information out of everyone and their relatives, when this bomb threat was probably just a response to Justice Sach's scheduled lecture. I learned an important lesson at that point: "Read the Counselor."

They cancelled classes this afternoon, and when I returned to school at 6pm to pick up a few things I ran into Professor Ruescher. The Professor informed me that he was cancelling class the next morning. I was relieved.

It was cold and raining when I got off the subway and hit the Hell's Kitchen streets, and I somehow ended up in a bar instead of my apartment. I guess I was taking advantage of my cancelled Legal Writing class. I did. I put on a big cap on, and when I finally made it home, I kept on drinking. The boy who lives in the apartment above mine was not too smart. You see, my friend Rusty is stuck in the sixties and he is determined to make everything into a Marxist issue. In fact, he called me up tonight, and spent an hour explaining to me how the New York Law School security guards are being exploited. On and on he went, "They're making seven dollars an hour and they have families to support. They have to search for bombs, and they probably don't know anything about bombs."

I was too drunk to argue with him, and I did not hang up on him because I would have felt guilty if I had offended him.

October 9, 1996: I woke up this morning pretty hung over, but no bombs went off in school today. Rusty left a few more messages on my machine, and J. Sachs lectured at a different location. Unlike other students' classes, nearly all my classes were cancelled today. Tomorrow school returns to its normal pace.

October 10, 1996: That's that. I am looking forward to "putting this week behind [me] and resuming the rewarding activities that are my purpose."

October 11, 1996: The timorous may stay at home.

-J. Cardozo
Viewpoints: The Supreme Court

“No Comfort has, the Fire at Night, That Lights the Face So Cold”

By Matt Brew

There is only one thing I despise more in this world than Constitutional Law, and that is the Supreme Court itself. Taking two semesters of Constitutional Law is a waste of time. Everything you need to know about the Court can be told to you in one sentence, and the beauty of it is that you don’t have to be a genius to figure it out.

The Supreme Court is an illegal, illegitimate, elitist, vile, despicable exploitation of true democracy and a sacrilege to the Constitution of this country.

Knowing that, there really is no need to waste your time trying to study that case law deriving from that evil institution. Yet “scholars” still manufacture casework after casework filled with cases in which the Supreme Court has overstepped its jurisdiction and defaced on American Justice. And who do we have to thank for that? Not me, than John Marshall.

I refuse to give John Marshall’s memory the honor of calling him a Justice, let alone a Chief Justice. He was a criminal. He was a disgrace. I hate that man more then any words could ever describe.

Why? Because what he did in Marbury v. Madison and Martin v. Hunter’s Lessee was despicable. He would have been such a good magician, even better then David Copperfield. Copperfield can make airplanes disappear, but Marshall can seemingly pull authority to dictate the laws of a country right out of his ass! Where else would he get the legitimacy? Certainly not the Constitution.

The Supreme Court is an illegal, illegitimate, elitist exploitation of true democracy and a sacrilege to the Constitution.

Marshall did was what most people do who follow religion. He took the laws as written and decided that they did not suit him, so he altered their interpretation a little bit to fit his lifestyle, and then preached his altered doctrine as if it were the law. But he is not the only guilty one. There have been many who say I am not the God who will be judging them come judgment day.

I must admit that my obsession and hatred for the Court scares me. I often have dreams about it, Tolkien in nature, where I am galloping through the streets of Washington at sunrise, fading in and out of factory work.

Still another brother was a poor student and had no interest in attending school beyond the eighth grade. Without any work opportunities were limited for him, but he found employment driving a horse and wagon making local deliveries. At the outbreak of World War I, at 16 years of age, he ran away from home and enlisted in the Army by falsifying his age. After serving two years in the Army, he enlisted in the Navy. Thereafter, without education, his opportunities for employment were limited to driving a truck for one brewery after another until his retirement.

My other sister was born with a slight deformity of her right arm. When she started school in about 1914, she was compelled to learn to write with her right hand, which was the rule at the time. As a result, she lost one term in school, but finally learned to write with her right hand.

More recently, the State of New York has received a number of complaints from the panel. Mr. Don, whose Global Internet Group strings together clubs worldwide for an online music cybercast, pointed out that “the law is a little slow to catch up with the Internet” and predicted the direction the Internet is taking record companies. Mr. Sanders talked about the copyright issues involved in the fast paced Internet realm.

Those interested in the music business were advised to plan on practicing in Los Angeles, New York, Nashville and Atlanta.

The panelists advised the audience on ways to break into the music industry. Mr. Selverne, who has represented performers as Hootie and the Blowfish, Taylor Dayne, The Fugees, and RCA Records to name a few, said that “entertainment law is a boutique area of law” and that the music business has “its own language, its own methodology, and its own players.”

Mr. Selverne advised those interested in this business to “be creative and self reliant” and to plan on practicing in Los Angeles, New York, Nashville, and Atlanta “where music is enormously happening.” Ms. Patterson stressed the importance of networking with people in the music industry. “The panel gave the audience honest and informative answers,” commented AnnMarie Crosswell, Director of Productions of the Media Law Project (MLP). "I learned a lot from this panel, the issues discussed were both meaningful and interesting," commented MLP treasurer Andrew Casazar, who is a musician, producer, manager, and performer for his own band.

After the panel was over many students approached the panelists and networked with others in the audience. “The panelists stayed to talk to the students after the panel was over. I think the students really appreciated that,” said Alison Finley, Vice President of the MLP, who also added that she was pleased with the panels’ success.

Lisa Aljian, the President of the MLP and creator of the ‘Lawyer’s Role’ series, has received a lot of positive feedback from those who attended this panel and previous panels. “These panels have given me a chance to do something for New York Law School. [The panels] get alumni back into the school, and make people in the industry take notice of our students,” said Ms. Aljian. Ms. Aljian also added that the members of the MLP are hard workers who are able to get things accomplished.

Next semester, the MLP is planning to host the “Lawyer’s Role in the Movie Business.” Students who are interested in participating in the upcoming panel can get more information by attending MLP meetings.

Do it Right.
Comfort, Continued from Page 13

out of the fog, cloaked in my black cape atop my black stallion in true Wring Wraith form, hacking off the heads of the Supreme Court members with the black stallion in true Wring Wraith form, hacking off the heads of the Supreme Court members with my sword as the 'Immigrant Song' flares through my skull. I'd mount Brennan's head on my mantle piece. He'd be a prize. The only member whose life I'd spare would be Scalia's; but he'd have to spend the remainder of his days doing hard time for his pre 1789 views on social issues. My biggest problem with the Court is that it is an unelected branch of government. If you follow the Court's logic, you'll find that they in effect wipe out their own claimed right to existence. For instance, there is no constitutional right to an abortion. I'm not saying abortion should be illegal, just that there is no constitutional protection for it. Now, just for a second, no matter what side you are on, just think how it would feel to have the law switch sides. Now the winners are the losers and vice versa.

Well that is how quick it could happen; in an instant. Is that what you really want? To have such an important issue in this country turn on the political and social values of unelected people answerable to no one? God, I hope not. But that's what you have. We as a people should force Congress to settle these issues once and for all. And not just abortion either.

But our political leaders like to have the court around to handle the sticky issues. Why do you think they put up with the court for so many years, especially during that vile Lochner era? Because it's an easy solution. But I thought that the easy way wasn't always permissible?

Frankfurter wrote in Dennis v. United States that, "the independence of the judiciary is jeopardized when courts become embroiled in the passions of the day and assume primary responsibility in choosing between competing political, economic and social pressures." If he followed it by saying "and that is why I must apologize to this country and beg its forgiveness for I shall be resigning immediately," then I would respect him. But he knew that was what the court was all about, dating back to the Marshall days.

In 1877 a man on the court named Waite insisted that the power of a state legislature to regulate grain elevator prices implied a right to set maximum grain prices. Scribed in Munn v. Illinois, "We know that this is a power which may be abused; but that is no argument against its existence. For protection against abuses by legislatures the people must resort to the courts." I would rather be seated in a wooden dentist chair and have roofing nails driven through my testicles than to step before one of those criminals.

I wish I had more time to enlighten you, but that is all the wisdom I will bestow upon you. And I don't pretend for a second that I could defend myself against the law switch sides. Now the winners are the losers and vice versa.

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I would rather be seated in a wooden dentist chair and have roofing nails driven through my testicles than to step before the Supreme Court.

I'll buy that. It sickens me to see a Federal Court reviewing a state court action, but the logic is there. But one question. Mr. Waite, who do I see when you abuse the power vested to you by the constitution? What poll do I go to when I decide I don't like the way you and your cohorts are running my country? I know you're dead Mr. Waite, but that is irrelevant, for if you were alive you couldn't answer me anyway. And if you could, it would be like all the other opinions your little pulpit has brandished so far to date. It would be the product of smoke and mirrors, just like our justice system.

It amuses me that some attorneys would consider it the pinnacle of their careers to argue before the Court. I would rather be seated in a wooden dentist chair and have roofing nails driven through my testicles, my teeth ripped from my gums with vice grips, my eyeballs slit with razor blades, and my skin melted from my frame by the fires of Smaug, then to ever step foot before one of those criminals.

I wish I had more time to enlighten you, but that is all the wisdom I will bestow upon you. And I don't pretend for a second that I could defend myself against any of the vultures who are dying to pounce on me right now (Constitutional Law professors). And I'm sure you could find some rebuttal as eloquent as any supreme decision, but you'd be missing my point.

I only hope that some people take this and think about it for a while. I know that is asking a lot, but try. Decide for yourself and don't let anyone change your mind. NYLS is full of liberals who would cringe at the thought of being told what to think, but who wouldn't hesitate to push their agenda on you. Think for yourself, or you'll just be part of the problem.

Next time, if there is a next time, I would love to discuss the atrocity known as equity—when courts say, "hey, I know what you did was legal, and you had every right to do it, but it wasn't fair, so instead of having the legislature change the law, I'll change it for you if I can't pervert its meaning to a degree that I see fit."

NOVEMBER 1996
The Yankees go up in the best of seven series!

In the Barry Levinson directed Tue story is based on Lorenzo Carcaterra's book with the same name. Hell's Kitchen kitchen of four ain't bad. Playing pranks. Robert De Niro is Father Bobby, the neighborhood priest and token father figure, who is as comfortable on the local basketball court as he is on the pulpit. One summer day, the four friends take a prank too far, and are subsequently sent to the Wilkinson's Home for Boys. The boys are beaten and raped by guards at the Home. Kevin Bacon plays Sean Nokes, a particularly sadistic guard.

Years later, the boys are all grown up; their adult counterparts include the pin-up cast of Pitt, Patric, Eldred, Dustin Hoffman, Jason Patric, Joe Perrino, Brad Pitt, Brad Renfro, Geoff Wigodor. Since Sleepers was released, quite a few people have been approaching me with their comments about it. Some say they loved it, others found this movie to be nothing more than the latest Hollywood mega-hit wannabe. I found it somewhere in between.

The story is based on Lorenzo Carcaterra's book with the same name. Hell's Kitchen kitchen of the late sixties is the "concrete kingdom" and home turf of the narrator, Lorenzo, and his buddies, Michael, John, and Tommy. The boys spend their summer shooting hoops, going to church, and playing pranks. Robert De Niro is Father Bobby, the neighborhood priest and token father figure, who is as comfortable on the local basketball court as he is on the pulpit. One summer day, the four friends take a prank too far, and are subsequently sent to the Wilkinson's Home for Boys. The boys are beaten and raped by guards at the Home. Kevin Bacon plays Sean Nokes, a particularly sadistic guard.

Years later, the boys are all grown up; their adult counterparts include the pin-up cast of Pitt, Patric, Eldred, and Crudup. John (Eldred) and Tommy (Crudup) take their revenge on Nokes while he's dining in a Hell's Kitchen pub. Michael (Pitt), now an assistant district attorney, with the help of Lorenzo (Patric), orchestrate a plan to help their old friends get out of their criminal mess.

Sleepers starts off fairly strong. The young actors had great accents and well measured swaggers. I was impressed by the ease that Perrino and Wigodor had playing their respective roles. Renfro (The Client) is on the road to stardom with his good looks and exuding 'machismo.'

It's the second half of the film that lagged a bit. A spark was missing. Even the intense court room scenes lacked luster. Pitt feigned a good 'New York' accent and a good poker face in the court room as his plan follows course; perhaps people would be more inclined to participate in the jury system if all lawyers commanded the same attention as Pitt's character. Patric needs to liven up. Hoffman's appearance as the defense attorney was brief, but well done. De Niro plays a cliche role, it's not too hard to figure out where his character's convictions lie.

It's hard for a movie like this to live up to audiences' expectations. Packed with big stars, I expected a stellar film, yet felt slightly cheated than a pretty face. Hoffman is excellent as the boys' drug and alcohol abusing attorney, while DeNiro appears to have recovered nicely from his last movie, The Fan.

The most enjoyable part of this sure fire blockbuster was the performances turned in by the four young boys. Led by Brad Renfro, the audience really feels the physical and psychological pain that these, more likely than not, fictional characters underwent. Let's just say if you've seen the trailer, you've seen the movie. No need to waste your time with this one. Go watch the Yanks.

## Poetry Corner

**CHALLENGE**

There's no need to envy anyone, Develop your talents on your own; Strive with all your might to prove you can; Show that you're equal to any man.

Test your mettle, prove your worth, For we live but once upon this earth; Be yourself, don't follow the crowd; Stand apart, and you'll feel proud.

Although you may not always win, Remember, failure is not a sin, But merely a challenge to try again, And keep on trying until you win.

The greater the challenge to attain, The greater the victory you will gain; Live by your standard of integrity, And the truth will set you free.

If you live by the golden rule, You'll live the life of a righteous soul, With honor and pride in accomplishment And joy in achievement of your goal.

**PRIDE IN WORK**

As evening views the setting sun, At the end of the day when tasks are done In the best way we could have done, No matter how difficult or troublesome, There's no greater pleasure or reward Than pride in the work well done.

Lives of greatness lead the way To inspire us to live a better day, In study, learning, work and play, Achieving a worthwhile goal, Leaving deeds to honor our name And a heritage worthy of acclaim.

## Article Submission

**Deadline for the December Issue is Monday, November 25**

**Do it Once. Do it Right. NEVER Do it Again.**

**Poetry Corner**

**HE SAID**


carries-a-quiet, don't move it. carries-quiet, with seeing
carries-quiet, all the way for video carries-quiet at all times.

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**SHE SAID**

**2 GAVELS**

**1½ GAVELS**

• Harvest gold, you have it.
• Harvest gold, with seeing.
• Harvest gold, at all times.

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**2 GAVELS**

**NOVEMBER 1996**
In celebration of our 25th year of preparing candidates for the New York Bar Exam, BAR/BRI Bar Review invites you to submit an essay describing:

The Most Significant Legal Event Of The Past 25 Years

Entry is open to all students currently enrolled in law schools in New York, New Jersey, Connecticut, Massachusetts, Maine, New Hampshire, Rhode Island and Vermont. Entrants must submit a 200-250 word essay, describing the most significant legal event of the past 25 years.

GRAND PRIZE: $2500 & a FREE BAR/BRI Bar Review course

FIRST RUNNER-UP: $1000 & a $500 BAR/BRI Bar Review scholarship

SECOND & THIRD RUNNERS-UP: $250 & a $250 BAR/BRI Bar Review scholarship

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ALL good faith entrants other than the top 25 prize winners will be awarded a $25 BAR/BRI Bar Review scholarship.

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