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New York Law School

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The New York Law School Reporter

Celebrating 100 Years
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Harry H. Wellington to Become President and 14th Dean of New York Law School

Special to the Reporter

On Wednesday, October 16, 1991, New York Law School Board of Trustees Chairperson Bernard H. Mendik announced that Professor Harry H. Wellington will become the 14th Dean of New York Law School.

Professor Wellington is the former Dean of Yale Law School and Sterling Professor of Law at Yale. Professor Wellington will succeed James F. Simon, who has been Dean since 1983.

“Accordingly, it is essential that a university be permitted to an excellent education rooted in scholarship and ethical values,” Professor Wellington said.

Professor Wellington was born in New Haven, Connecticut, and completed his undergraduate work at the University of Pennsylvania (BA, 1947) and received his law degree from Harvard in 1952. Subsequently he served as law clerk U.S. Circuit Judge Calvert Magruder (1953-1954) and in the 1955 Term of Court to Supreme Court Justice Felix Frankfurter.

Wellington taught for a year at the Stanford School of Law and in 1956 joined the Yale Law School faculty as an assistant professor of law. He was promoted to associate professor in 1957, to full professor in 1960, to the Phelps Chair in 1967 and Sterling professor in 1983. He became Dean of Yale Law School in July, 1975 and served for two five year terms.

Professor Wellington is married to Shilla Wacks, the Secretary of Yale University and lecturer in the school’s Departments of Public Health and Psychology. They have two sons, John and Thomas.

Professor Wellington originally worked in the areas of contract and labor law. In recent years, Professor Wellington has moved increasingly into the fields of constitutional law and legal theory.

Wellington has had a number of articles and books, including Interpreting the Constitution: The Supreme Court and the Process of Adjudication, published last spring by Yale University Press.

“During his years at Yale, Professor Wellington served as a consultant to a number of domestic and foreign government agencies and commissions and has been actively involved in bar association committees concerned with law reform. Wellington has been a Ford and Guggenheim Fellow, a Senior Fellow of the Brookings Institution, a visiting member of the faculties of the London School of Economics, New York Law School, the University of California at Berkeley and Stanford University. He has served on the faculty of the Salzburg Seminar in American Institutions and a scholar at the Rockefeller Foundation Center in Bellagio. He has served as a member of The Board of Overseers of the Faculty of Arts and Sciences at the University of Pennsylvania and has taught in the Aspen Institute’s Executive Seminar Program.

Wellington is admitted to the bar of the District of Columbia and is a member of the American Bar Association, the Connecticut Bar Association and the Association of the Bar of the City of New York. Professor Wellington also sits on the Board of the American Law Institute, the Connecticut Bar Foundation and the American Academy of Arts and Science.

Professor Wellington is a trustee of New York Law School, a member of the National Governing Board of Common Cause, a member of the National and Connecticut Panels of Neutrals for Alternative Dispute Resolution, a member of the Board of Governors of the Yale University Press and Chair of its Committee on Publications. He is a fellow of Jonathan Edwards College, a member of the Elizabethan Club, the Yale Club of New York City, and the Century Association.

Beno C. Schmidt, Jr., President of Yale University calls Professor Wellington “...one of the country’s leading legal scholars and teachers. He is a superb human being. As professor and Dean at Yale Law School, he has made brilliant contributions here, and I know that he will bring extraordinary wisdom and leadership to New York Law School. I and all his friends at Yale wish him well in this new endeavor.”

Yale Law School Dean Guido Calabresi says that “Harry Wellington is a splendid choice. He was a superb Dean at the Yale Law School and also has been a great teacher here for 36 years. I was one of his first students and still benefit from what he taught me. While we will miss him full time participation at Yale, we are glad that he will be able to remain— as an emeritus faculty member— a part of this school and we look forward to working with him over many, many years.”

James F. Simon, 13th Dean

Outgoing Dean Simon is one of the nation’s leading professors of constitutional law and an award-winning author. Professor Simon was appointed the 13th Dean of New York Law School in June 1984, after serving as Acting Dean for a year.

Dean Simon joined the faculty of New York Law in 1975, having distinguished himself as a journalist and scholar recognized for his expertise on the modern U.S. Supreme Court. A Contributing Editor and Correspondent for TIME Magazine from 1966 to 1974, dean Simon specialized in legal affairs, covering major trials across the country as well as the philosophical transition of the Court as leadership shifted from Chief Justice Earl Warren to Warren Burger.

Dean Simon earned his law degree in 1964 at Yale Law School after receiving a B.A. from Yale College. He has been a Visiting Lecturer in American Studies at Yale University, a Harvard Fellow in Law and the Humanities at Harvard University, and a visiting Fellow at the University of Warwick in the United Kingdom.


Dean Simon is married to Marcia Simon, a social worker. They have three children.
The Politics of a Judiciary Confirmation

by David De Siver

Article II, Section 2 of the United States Constitution gives the Chief Executive the power and responsibility to nominate, and with the advice and consent of the Senate, to appoint judges to the Supreme Court. Since 1946, the American Bar Association also has played a significant role in the judicial appointment process. Together, the President, Senate and the ABA are primarily responsible for determining who has earned the privilege to sit on the highest Court of our nation, and discern the supreme law of the land. Commenting on the roles of these three components of the judicial appointment process, Attorney General Dick Thornburgh stated his belief that the Executive and Legislative branches should consider the nominee’s “ideological and political background”, while the scope of the American Bar Association’s Standing Committee “should be confined to its area of expertise...[specifically,] the nominees’ professional qualifications.” Hearing of the Senate Judiciary Committee, (6/2/89).

Sen. Charles Grassley has stated that, “...a nominee cannot and should not answer specific policy questions. A nominee cannot and should not be asked to decide a case until that case, with all of its pertinent facts, presents itself.”

I. The Role of the President

During the Constitutional Convention, our forefathers struggled in an attempt to determine what role, if any the President should play in filling vacancies of the Supreme Court. Many delegates were determined to vest all nomination and appointment power solely within the Senate. However, in the last few days of the Convention it was decided that the President shall have the power of nomination and the Senate shall have sole power to confirm the President’s nomination. Neither the Constitution, nor any Federal Statute furnishes any practical guidance to the President to aid him in discerning who is the most suitable person to designate as a Supreme Court nominee.

The Chief Executive’s nomination decision, is generally influenced by three political factors. First, he must be cognizant of Senatorial courtesy, and thereby strive to select a nominee which would likely receive approval from the nominee’s home State Senators. Simply, when the Senators from the nominee’s home State vote not to consent to the nomination, Senatorial courtesy will likely prevent Senatorial consent. Second, the President takes heed of the nominee’s rating provided by the ABA. Third, the President is influenced by sitting and retired jurists. Chief Justice William Howard Taft (tenure 1921-1930), to illustrate, was known to exert influence on judicial nominations to such an extent that some said that he in essence “appointed” some judges to the Supreme Court.

The Constitutional privilege to designate nominees to the Supreme Court is a great source of power to the Chief Executive. Throughout history, many Presidents have tried to take full advantage of this power by attempting to pack the Courts. The Encyclopedia of the American Constitution, reports that the Presidential Records of Chief Executives who have nominated judges to the Supreme Court reveal certain characteristics of the nominees that seem to recur throughout the years. These characteristics are: (1) objective merit (personified by Benjamin N. Cardozo, appointed by Herbert Hoover); (2) personal friendship (Harold H. Burton, appointed by Harry S. Truman); (3) considerations of representativeness; (4) political ideological compatibility (Hugo Black, appointed by Franklin D. Roosevelt; (5) past judicial experience (Oliver Wendell Holmes, appointed by Theodore Roosevelt).

Many feel that the fourth characteristic, commonly known as the “real politics” of the nominee, has played the largest role in the Presidents’ nominating decisions. Attorney General Thornburgh, has stated that “approximately 92% of the individuals appointed to the bench have reflected the party of the President who [nominated] them.” Hearing of the Senate Judiciary Committee, (6/2/89). Although a President who nominates on the basis of “real politics” could be said to be “packing the court”, many feel that this apparent potential for abuse is cancelled out by the fact that judges change once they get to the Supreme Court, and they continue to change while on it. In short, a President’s interpretation of a judge’s “real politics”, contrasted with the manner in which that judge actually decides issues while sitting on the Supreme Court, may bear little resemblance.

In more recent times, according to Attorney General Thornburgh, the Chief Executive has directed the Department of Justice to simplify the nomination process, by assembling a pool of prospective judges, including “an appropriate number of women, Blacks, Hispanics, [and] persons with disabilities.” Senate Judiciary Committee Hearing, (6/2/89). From this collection of judges, the President chooses his nominee.

The Senate is by no means a rubber stamp for the President’s will. Time and time again the Chief Executive’s power has been shown to bow to the will of the Senate.

II. The Role of the Senate

Alexander Hamilton rightly stated that the Senate serves as a check to Presidential favoritism in appointing Justices to the Supreme Court. Levy, Encyclopedia of the American Constitution. Former President George Washington set the tone for the Senate’s role in the nomination process when he refused to allow the Senate any say on who he should nominate. Further, should a majority of the Senate agree with the nominee, the Senate was said to have consented within the meaning of Article II, Section 2, to the nomination. Today, the role of the Senate Judiciary Committee is to ascertain which candidates have the “intelligent, integrity, and temperament” to serve on the Supreme Court.

The Senate has two primary responsibilities: (1) the duty to scrutinize and question nominees; and (2) the power to advise and consent on who he should nominate. Senator David Pryor, during the nomination proceedings of Judge Robert Bork, (133 Cong. Rec. S. 13268; Vol. 133 No. 152), has pointed out that while some believe this Senatorial power might be used to exert leverage over the Chief Executive, he views it as a Constitutionally mandated check on the power of the Chief Executive.

The Constitution offers no real...
In disfavor over the power that the ABA has assumed over the years, Senator Strom Thurmond points out that some of his colleagues feel that "the administration's reliance upon the ABA to pre-screen potential nominees...has provided the ABA, a public interest group, with a virtual veto power over judicial candidates." Senator Orrin Hatch, agreeing with Senator Strom Thurmond, poses the extreme view that the ABA should no longer be permitted to have any say in the nomination process. Senator Hatch, expressed alarm at the fact that the ABA makes its analysis and final decision in virtual secrecy. He contends that President Bush should sever the ties between the Constitutionally appointed powers of the Chief Executive and the unofficial power of the ABA, by refusing to rely on the ABA rating. Senator Hatch feels that at the very least, the eight points cited above should be invoked immediately. The scope of the ABA screening committee's analysis of nominees has shifted over time. In 1977, the ABA resolved to base its decision solely on "professional qualifications" (i.e., competency, integrity, and judicial temperament). Three years later, the ABA made a modification, stating that its analysis would primarily focus on professional qualifications. Additionally, the ABA added that "the Committee does not investigate a nominee's political or ideological philosophy except to the extent that extreme views on such matters might bear on judicial temperament or integrity." In 1988, the ABA further modified its analytic criteria to read, "Political or ideological philosophy are not considered except to the extent that they might bear upon other factors." Senator Grassley has declared, "it is staggering how far removed this standard is from the ABA's original narrow function." Senate Judiciary Committee, (6/2/89). Attorney General Thornburgh concludes that the 1980 and 1988 modifications are entirely inappropriate, because they announce an intention on the part of the ABA to rely on, among other things, a nominee's philosophy and ideology.
Centennial Display Opens at 60 Center Street

by Doug Stern

Janet Ozzard and Jack Golden, who with the assistance of the New York Law School administration and many other concerned alumni and friends of the NYLS legal community, have created a pictorial and textual history of New York Law School's first one hundred years.

The display of tri-fold boards, managed to capture the essence of New York Law School's first one hundred year history through a series of photographs, newspaper clippings and school related documents. As one peruses the exhibit, you would find a chronological display of those personalities and events that brought New York Law School to its present day form.

New York Law School was born from a controversy that erupted at Columbia's School of Law in the spring of 1891. The focal point of this rift was a conflict of teaching styles between then Dean of Columbia's Law School, Theodore Dwight, and the president of the same institution, Seth Low.

“Dwight's method” consisted of lectures that applied the law to a practical form of everyday life. Low proscribed the “case” (Harvard) method which was widely accepted at the time. Neither Low nor Dwight was willing to concede their teaching posture. Dwight along with Professor Keener from Harvard moved to the Equitable Building at 120 Broadway and the genesis of New York Law School was under way.

The exhibit begins with the use of pictures from the New York Historical Society and articles from the New York Times and other publications such as The Columbia Spectator. It portrays the New York Law School's first night division which was located at Cooper Union, and many of the important alumni and faculty that were associated with the school's first few years in existence.

Some of the notables included former faculty members Woodrow Wilson, former Chief Justice Charles Evans Hughes and alumni, former Secretary of State (under Wilson) Bainbridge Colby and James S. Watson, the first black judge in New York State. New York Law School was closed for one year during World War I and the first phase of New York Law School had ended.

After the war, the law school moved to the McBurney YMCA and remained there throughout the 1920s. At that time it enjoyed the largest enrollment of any law school with over 1,150 students. The period up until World War II, was both a blessing and a burden for the law school. The “roaring twenties” saw the graduation of Associate Justice John Marshall Harlan and all was going well. The first woman graduate, Elizabeth Johnston Schenkel, and the inventor of the xerography process, Chester Carlson both graduated in the 1930s as did New Deal framers Senator Robert F. Wagner.

However, in 1924 Dean Chase died and Robert Pettit was instated as the new Dean. This was a prelude to the school's near collapse and merger with City College in the face of the depression and an impending World War. Dean Pettit died in 1937, the war broke out in 1939, and many men in New York were drafted in September of 1940. The school closed its doors for six years and so ended the second phase of New York Law School's history.

The law school reopened at 444 William Street in 1947. Allison Reppy became the dean of the law school in 1950. In 1954 New York Law School earned an accreditation by the American Bar Association. In 1962 the law school moved to its present home at 57 Worth Street. During the 50's and 60's, many future named partners in large law firms graduated, as did circuit court judges, poets, influential politicians and successful entrepreneurs.

However, the law school was not immune to the tumult of the 1960s. During Dean Gutman's tenure the school was a hotbed for protest and change. Dean Gutman resigned in 1968 and was eventually replaced by Dean Walter Rafalko who served until 1973. Subsequently Dean E. Donald Shapiro took the mantle and was the predecessor to our present dean, Simon.

The period from 1970 to 1990 saw many great advancements for New York Law School. The Journal of International and Comparative Law was established in 1979 and the Journal of Human Rights was founded in 1983. The Mendik Library was established and the school was renovated several times. This marks not the conclusion of the third “phase” but its inception and hopefully uninterrupted continuation.

New York Law School's 100 year exhibit will never make it to the floor of the Museum of American History, but it is a must see for those students, faculty, and staff who care about the institution which educates and employs them. It is rich with history, be it complete or not. Within the setting of the rotunda of the Supreme Court building one gets feeling of a true sense of tradition, value and importance among the New York City legal community.
Centennial Carnival is a Success

On September 15, students, faculty, staff and alumni of New York Law School gathered to celebrate the 100th anniversary of our school. The parking lot was transformed by Prom/Oceans for the occasion with large circus tents, game booths and food stands.

Hot dog stands, pop gun target shooting, basketball toss and, of course, the popular "dunk the dean" tank attracted the interest of party revelers between tours of the buildings and lively conversation about the rigors of attending NYLS in years past.

In spite of the overcast day and the light drizzle, almost one thousand people turned out for the festivities. An accomplished, but very loud, rock and roll band could be clearly heard as far away as Canal Street.

The driving rock and roll music attracted the usual Manhattan coterie of gate crashers. Three young women attempted to convince Sally Harding that they hadn't picked up their student identification cards. They explained that they were first year students, and hadn't yet been to class. The three were turned away, giggling, in favor of bona fide members of the New York Law School community.

The Carnival was a family day. Members of the NYLS community brought their children, who danced to the music and were entertained by the games and clowns. They were given free tickets for the excellent food and the games.

Students Joan Sutton, Liz Colontonio, Eric Jacobs and Jeff Slate served on the committee which planned the carnival. They worked through most of the summer on the project, which became a full time job as the date for the celebration approached. They worked with the Public Relations Office, the Alumni Association and Helen Prigal of Student Service.

Between thirty five and forty five students worked on the carnival day. Student organizations, among them the Student Bar Association, BALSA, LAW, Asian American Law Students, the REPORTER, Lesbian and Gay Law Students and the Criminal Law Society operated game booths.

While the festivities were occurring in the parking lot below, the semi-final rounds of the 1991 Froessel Moot Court Competition were unfolding inside the school. At work or play, NYLS never rests.

The Centennial Carnival was funded by the Student Bar Association, The Alumni Association and the Public Relations Office of New York Law School. Many of the revelers expressed a desire to make the carnival an annual affair. At press time, however, no decision had been announced.

Students who wish to work on the carnival next year should contact Joan Sutton.

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Froessel Renovations Well Under Way

by Caroline Gargione

One of the unattractive parts of NYLS is the Froessel Room. It is dark, old, and certainly not inviting. Fortunately, Froessel is about to change for the better.

Before the Froessel Room was closed for renovations, it was used by students as a study lounge when there was no place else to go, or when they got tired of studying in the library.

According to Dean Helm, the plan aims “to restore Froessel to its original beauty.” Looking at the room as it currently stands, one can only try to imagine what it used to be like. For instance, a few of the arches etched into the wall surrounding the room give a glimpse of the past decor.

Under the renovation plan, grates will be replaced in every arch. In addition, glass and window panes will be placed in the upper half of the arches to provide a window-like appearance.

The restoration is planned for completion by December 1991. Benches are planned to be placed under each arch for student use. New carpeting, a refurbished ceiling, new light fixtures, new tables and chairs, and a brighter overall color scheme may truly make the Froessel Room an attractive part of NYLS once again.

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Strossen Speaks at Libertarian Party Convention

by Joseph D. Brennan


Speaking as the President of the American Civil Liberties Union (ACLU), Strossen focused on the 4th Amendment. She characterized the 4th Amendment as “fundamental” and said it guarantees “the right to be let alone” as well as “the right to privacy.”

Strossen accused the Supreme Court of having eroded the protections of the 4th Amendment, and, after discussing Florida v. Bostick, U.S._, 111 S.Ct. 2382 (1991) (allowing random bus searches conducted pursuant to passenger’s consent), said, “Probable cause is a casualty of the War on Drugs, which is more accurately called the War on the Bill of Rights.”

Professor Strossen, acknowledging the popularity of the 9th Amendment with the audience, described the ACLU’s support for the 9th Amendment as “vigor­ous.” Also, she told the Libertarians that she has recommended that the ACLU appoint a special committee to re-examine the organization’s stance on the 2nd Amendment, which, she admitted, they, as well as the courts, have viewed narrowly up till now. In closing, Strossen commented on the purpose of government. “The end of government is not security or efficiency. The end does not justify the means.” To this the Libertarian audience responded with a standing ovation.

Overall, the Libertarians responded favorably to Professor Strossen. Her comments seemed more focused on the libertarianism of the audience than was the case in her July 4th lecture at the Cato Institute Seminar (Reporter, August 1991, at 8, col. 3).

After the panel discussion, I asked Nadine Strossen if, given her recent appearances before libertarian organizations like the Cato Institute and the Libertarian Party, the ACLU might move in the direction of adopting a more libertarian position? Libertarians believe that an individual’s economic liberties should be defended as well as an individual’s civil liberties.

The ACLU characterizes itself as neutral on economic issues. Although Strossen was unwilling to commit the ACLU to a move in a libertarian direction, she responded by saying that she preferred to focus on the areas where libertarians and the ACLU agree, as opposed to areas where they disagree.

Farther, Strossen recommended that Cato and the Libertarian Party form coalitions with other groups on issues they agree on, and she described the ACLU as issue oriented and willing to form such coalitions.
Law Student Medical Coverage

by Doug Stern

As we all know, any health related treatment be it medical or dental is beyond the means of most law students. The Office of Student Services has made available to all students brochures relating to three separate medical insurance programs and one that will cover your dental care needs.

**COLLEGIATE CARE OPTION ONE,** provides coverage for full-time students through the Health Insurance Plan of Greater New York (HIP) and Empire Blue Cross and Blue Shield.

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The New York University, David B. Krizer Dental Center, sponsors a dental health care program titled STUDENT. The Student plan is an optional pre-paid dental program available to all undergraduate, graduate, full, and part-time students of participating colleges and universities. The spouses and dependents of eligible students are also invited to enroll in Student.

Contact Sally Harding at Student Services 431-2852 to pick up brochures relating to these health plans, prices, deadlines and qualifications.

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**Green Acres**

by Caroline Gargione

If anything goes according to plan, N.Y.L.S. will have an outdoor deck on the roof of the library by the spring of 1992. The idea hatched some years ago when the Mendik Library was still in the planning stages. Although the Administration has been moving through the process slowly- getting the building permits, hiring engineers and architects, and drafting a plan the idea is finally becoming a reality.

The plan divides the roof into three phases of construction. Future plans include a snack bar and dining area. Although phases two and three are not yet on the calendar, construction of the first phase is scheduled to begin early next semester.

On paper the rooftop deck looks just like one would expect. The deck has a wooden surface, and would be covered with shrubbery and planters. The elevated step along the deck's perimeter enables one to peer out over the surrounding wall and view the city below.
Public Interest Fellowships Available

Special to the Reporter

The Charles Revson Foundation has announced the availability of Law Student Public Interest (LSPIN) Fellowships for law students interested in working in public interest positions.

Stipends of $3,200 are available for first and second year students attending law schools in New York and New Jersey who have secured volunteer summer placements with public interest organizations in the New York Metropolitan area.

The 1992 LSPIN Fellowship Program is being administered by the Root-Tilden-Snow Program at NYU School of Law. Up to 50 grants will be made to students working full time for 10 weeks during the summer of 1992. Applications and more detailed guidelines have been forwarded to both the Dean’s office and the Career Services Offices.

Deadline for applications is Friday, January 31, 1992. Awards will be announced by Friday, March 6, 1992. LSPIN encourages all interested students to apply.

City firms have not grown proportionately. The law firms which have signed the pledge are: Battle Fever; Dewey Ballantine; Cadwalader, Wickersham & Taft; Cabell Gordon & Reindel; Carter Ledyard & Milburn; Chadbourne & Parke; Cleary, Gottlieb, Steen & Hamilton; Cravath; Swaine & Moore; Davis Polk & Wardwell; Debevoise & Plimpton; Dewey Ballantine; Fried, Frank, Harris, Shriver & Jacobson; Hughes, Hubbard & Reed; Kaye, Scholer, Fierman, Hays & Handler; Kelley Dyer & Warren; LeBouf, Lamb, Lieby & MacRae; Lord, Day & Lord; Barret, Smith; Milbank, Tweed, Hadley & McCloy; Milgrim, Thomajan & Lee; Mudge Rose Guthrie Alexander & Ferdon; Paul Weiss Rifkind Wharton & Garrison; Proskauer, Rose, Goetz & Mendelson; Rogers & Wells; Shearmar & Sterling; Skimpton, Thacher & Bartlett; Skadden, Arps, Slate, Meagher & Flom; Shearman & Sterling; Shearman & Sterling; Skimpton, Thacher & Bartlett; Skadden, Arps, Slate, Meagher & Flom; Shink & Stroock & Lavan; Sullivan & Cromwell; Wachtell, Lipton, Rosen & Katz; Weil Gotshal & Manges; White & Case; Willkie Farr & Gallagher; Winthrop, Stimson, Putnam & Roberts.

Survey Shows Most Lawyers Perform Pro Bono Work

by the Reporter News Staff

The New York State Bar Association has released the results of a survey of pro bono publico work by attorneys. The survey shows that more than 58% of respondents performed some pro bono work, and that almost 30% performed more than twenty hours of pro bono work during the last year.

The state bar association also released a report, "The Status of the Voluntary Effort to Address Unmet Needs of the Poor in New York State". This report outlines the New York State Bar Association's program of providing needed legal services through a combination of strong legal service programs and voluntary pro bono activity.

Both the survey and the report are available through the New York State Bar Association, Department of Pro Bono Affairs, One Elk Street, Albany, New York, 12207.
California Term Limits Upheld

by the Reporter News Staff

On October 10, the California Supreme Court upheld, by a six to one majority, the Political Reform Act of 1990, which amended the California State Constitution to limit legislators' terms in office.

The incumbent legislators had sought to overturn the initiative. They charged that the new changes would unduly violate a First Amendment right of voters to elect the candidates of their choice and the right of the legislators to continue running for office.

The decision, written by Chief Justice Malcolm M. Lucas, agreed with the framers of the initiative that the restrictions serve a rational public policy. Although they "may deny qualified men an opportunity to serve, as a general rule, the overall health of the body politic is enhanced by limitations on continuous tenure".

The initiative, which passed in November 1990, received the support of 52% of the voters in that election. It provides that the forty members of the State Senate, beginning in 1990, may only be elected to two four year terms. The eighty members of the State Assembly are limited to three two year terms and the other state offices, including Governor, are limited to two four year terms. After the maximum term has been reached, incumbents would be barred for life from running for re-election to the post. They would, however, be free to run for other offices.

The California statistics show that 92% of all incumbents were re-elected last year. It was in the same election that 52% voted to limit the re-election of incumbents.

Nationwide, the movement to limit terms of incumbent officials has aroused partisan feelings. Changing demographics and population shifts have aroused feelings of anger and helplessness on the part of voters, who feel increasingly alienated from their legislators. The incumbent politicians are predominantly Democrats.

The six to one vote of the California Supreme Court reflected partisan politics as six conservatives, appointed recently by Republican governors, supported the initiative over the dissent of the liberal Justice Stanley Mosk, who had been appointed in 1964 by Democratic governor Edmund Brown.

A similar term limitation measure will be decided in the State of Washington. It will include limitations on the terms of the state's representatives in the House of Representatives.

NYLS Grad Dies Waiting for Medical Care at Harlem Hospital

by Michael Wood

Prominent attorney William Chance Jr., NYLS '51, died on October 7, 1991, after twice being told to go home from the Harlem Hospital. His cause of death was a gastrointestinal hemorrhage, due to a bleeding peptic ulcer.

Although he was bleeding, spitting up blood and writhing in pain, the 74 year old attorney was told twice to go home by the attending physician, according to Abraham Taylor, Chance's cousin. Taylor had brought Chance to the hospital by ambulance after the distinguished attorney had begun bleeding.

Chance described himself as a "country lawyer", and often dressed the part, wearing suspenders, boots and a straw hat to court. However, he was most respected for his political savvy and skills as a defense attorney.

It was this "country lawyer" to whom Adam Clayton Powell turned when Powell tried to upset his 1970 congressional defeat at the hands of Charles Rangel. William Chance defended the first black Manhattan Borough President, Hulan Jack on charges of bribery. He also unsuccessfully defended one of the assassins convicted of the murder of Malcolm X.

Chance moved from the rural South of Parmele, North Carolina to New York in the late 1930's. He worked in Manhattan and attended New York Law School. He graduated in 1951. He was active in community affairs. Ironically, he was a personal friend of the mayor and had served on the community board of the public hospital in which he died.

Harlem Hospital is currently being inspected by the Joint Commission on Accreditation of Health Care. The hospital failed the inspection in 1990. Medical care at Harlem Hospital is provided under contract by the Columbia College of Physicians and Surgeons.

A statement from the Harlem Hospital claimed that Chance had previously visited the emergency room and left without treatment.

It went on to say that "Preliminary hospital investigations reveal no improprieties on the part of the emergency room staff...".

William Chance Jr., is survived by two brothers, Anson Chance and Edward Chance, and by a sister, Anice Chance Wilson. His funeral was held Saturday, October 12, at the Abyssinian Baptist Church in Harlem.

Slave Burial Ground Uncovered

by the Reporter News Staff

Construction of the new 276 million dollar, 34 story Federal office building for the General Services Administration on Broadway between Reade Street and Duane Street has been temporarily halted as archaeologists uncover the remains of a two hundred old slave cemetery.

Sidewalk superintendents can watch as archaeologists dig for evidence of the life and deaths of early New York City. Two blocks from City Hall, now a prize piece of real estate, the location was once considered an unattractive area outside the city limits. It was deemed fit for a cemetery where slaves were allowed to bury their dead. The burial ground was closed in 1790.

Portions of the burial ground have survived the last two centuries' development, protected under an L shaped street formed by the junction of Republican Alley and Manhattan Alley. The graves which were not protected by the street were disturbed by the construction of previous buildings on the site.

The remains of fourteen bodies have been exhumed. They had been laid down in coffins, and the graves had been marked by head and footstones. Very little has survived the effects of their two hundred year interment. The coffins had disintegrated, leaving only traces in the soil. Shroud pins, coffin nails and metal buttons have survived.

The erection of a cyclone fence at the site has forced students hurrying to school from the City Hall and Chambers Street subway stations of the N, R, 4, 5, 6, J, and M lines to use the sidewalks on the west side of Broadway.

According to William J. Diamond, regional director of the General Services Administration, the GSA is committed to treat the bodies with respect and dignity and to the re-interment of the human remains at a suitable site.
ELLSA Panel Discussion on Labor Law

by the Reporter News Staff

On Thursday, October 3, 1991, the Employment & Labor Law Students Association (ELLSA) held an informal reception in the Faculty Dining Room. The guest speakers, all attorneys practicing in the field of labor law, included such notables as Vincent O'Hara, NYLS '80, a partner in the law firm of Holm, Kisel & O'Hara; Mark Kramer, NYLS '80, counsel for New York, New Jersey, & Mendelsohn; Thomas Lynch, NYLS '80, in-house counsel for IBM; Thomas Mahler and Vincent Coffey, attorneys and supervising attorney, National Labor Relations Board Region 29; and Professor Laura Stein, former associate in the Philadelphia law firm of Pepper, Hamilton & Scheetz.

The purpose of the reception was to acquaint students with the practice of labor law. Those attending were able to discuss various topics, including employment opportunities, with the guest speakers in an informal setting. Small group sessions proved to be a refreshing alternative to the conventional panel discussion format.

LGLSA Hosts Annual Party

by Otis Damset

On Friday, October 4th, the Lesbian and Gay Law Students Association hosted its annual introductory party for returning students, new students, faculty, alumni, and friends. This year's event drew more than forty people and featured music, videos, toys, and an abundance of food and drink. The gala evening began around 8:00pm and continued into the early hours of the Saturday morning; descriptions ranged from "well planned and thoroughly prepared" to "fabulous!" Thanks to everyone who showed up!

Other events will take place throughout the academic year in cooperation with the Lesbian and Gay Law Association of Greater New York and area law schools. Next on the calendar is a reception at Lambda Legal Defense and Education Fund, 666 Broadway, 12th Floor, on October 22 from 5:30pm to 7:30pm.

For information about future events, or to add your name to the LGLSA mailing list, please contact Coordinators J. Will Cook or Karen Zeronis, or leave a note in the LGLSA mailbox in the student lounge.

Otis Damset is a second-year student and associate media coordinator for LGLSA.

Legal Lines

A Reporter Digest of Recent Filings and Actions

by the Reporter News Staff

Utah Abortion Row

A Utah law firm was hired, then withdrew, in defense of the new state anti-abortion law. The Salt Lake City law firm of Jones Waldo Holbrook & McDonough has agreed to withdraw from the case. The American Civil Liberties Union had filed a motion accusing the firm of an unforgivable breach of ethics for failure to notify a client — the Utah Women's Clinic — that the firm was defending a law which would force the clinic out of business. The Utah Women's Clinic performs 75% of all elective abortions in Utah.

Abundance Chasting

The New York City Human Rights Commission has awarded $15,000 to the family of a Brooklyn man who was denied aid in coming down a flight of stairs by an ambulance driver. Joseph Moloney was denied help because the ambulance driver was fearful of being exposed to AIDS. Moloney died in July. The ambulance company which was ordered to pay, All County Transportation Ambulance Service, is appealing the ruling to the Kings County Supreme Court.

What's the Life of an Attorney Worth?

Queens attorney Sergio M. Taub was killed by gunfire on the Meadowbrook Parkway August 29. Four New York City men have been charged with his murder. It is alleged that they were paid a total of $10,000.

Brooklyn Supreme Court Justice Edward Rappaport, who is to preside over the trial of Lemrick Nelson, Jr., accused in the murder of Yankel Rosenbaum, has come under fire. Defense attorney Arthur Lewis has asked Rappaport to recuse himself because of previous ties to members of the Lubavitcher community.

Pee-Wee on Film

Actor-comedian Paul Reubens, better known as the character Pee-Wee Herman, plans to use a security video-tape in his defense against indecent exposure charges. His representatives claim that a time stamped security film shows him in the theater lobby at the same time arresting officers claimed he was playing in the auditorium.

Stern Warning

Manhattan Supreme Court Judge Carmen Ciparick dismissed a $550 million lawsuit against radio personality Howard Stern. Stern had aired a television tape in November 1990, which showed Stern getting a rubdown from a negligee clad woman. The woman's husband claimed that Stern's comments made him look like "an idiot, a schmuck, a wimp..." Judge Ciparick described the commentary as gross or vulgar, but were "nonsensical entertainment".

Dirty Tricks

Former pilots of Eastern Airlines who crossed the picket lines during the machinists' union strike against the now bankrupt carrier have filed a lawsuit in Miami against seven individuals and the Air Line Pilots Association. The suit asks for 1 billion dollars from those it says put together and distributed a list of those who crossed the picket lines. The plaintiffs allege that this "blacklist" has prevented them from getting new jobs.

Court Forces 10 Judges to Retire

Ten New York State Judges, including six from this city, will be forced to retire as a result of a U.S. Supreme Court ruling in June that held that state mandatory retirement policies for judges did not violate Federal age discrimination laws. The New York State Constitution requires all judges to retire at age 70, but allows two-year extensions for Supreme Court Justices.

The city judges affected by the ruling, according to the Office of Court Administration, are, Kathryn McDonald, the Family Court's Administrative Judge, Acting Queens Supreme Court Justices Allen Bellock, Eli Lazarus and Anthony P. Savarese, Bronx Civil Court Judge Robert B. Hunting and Court of Claims Judge Adolph C. Orlando.

Children Sue for Emotional Losses Due to Father's Injury

Many states allow spouses to make claims for so-called loss of consortium, which involves intangible such as a loss of companionship or affection, but courts have only recently extended such rights to children when a parent is seriously injured. Nine states, including Texas, West Virginia, and Wyoming, have endorsed suits brought on behalf of children.

The Massachusetts case is unusual because it is the first time the state's highest court has issued a ruling in a case in which the child was not yet born at the time of his father's injury. Earlier this year, a jury in a state court in Springfield, Mass., awarded a child $50,000 for his losses in a similar case.

In a case decided by the Massachusetts Supreme Judicial Court in Boston last month, Leo LePage, the child's father, suffered permanent brain damage in 1985 when a car in which he was a passenger hit a light pole. After the accident, Mr. LePage and the child filed suit against the Swansea, Mass., restaurant where the driver was served alcohol.

A lower court dismissed the child's suit, ruling that because the child could not have survived outside the womb at the time of the accident, he was not entitled to recover any damages for his emotional losses.

The state's high court ruled that the child had a right to sue because he was conceived prior to the father's injury.

Alan A. Amaral, a Somerset, Mass., lawyer for the child, said the decision may affect the national debate about abortion. "The court here has ruled that a child's viability is not a standard by which to measure the right to sue. By extension, other courts may also rule that it is inappropriate to use it as a measure of when to abort," Mr. Amaral said.
by Jeanne Forster

"One who persists in knocking will succeed in entering."

-Moses ibn Ezra

A brief two and one-half line note mentioning a 1939 New York Law School graduate, Chester Floyd Carlson, is nestled in the middle of a page of a xerographic copy of the biographical note mentioning a 1939 New York Law School graduate. He did so by producing the words that sparked a technological revolution in this country:

"10-22-38 ASTORIA."

Hardly amazing, barely memorable, they were nonetheless the first words reproduced through the process originally called "electrophotography," a word coined by Carlson for his invention. This electrostatic copying process subsequently was named xerography after the Greek words for "dry" and "writing." Today, it is simply known as photocopying.

Born February 8, 1906, in Seattle, Washington, Carlson was the son of Ellen Josephine and Olaf Adolph Carlson, both of whom suffered from the crippling effects of tuberculosis. As a skinny, awkward boy of 12, he did odd jobs to help support his parents. By the age of 14, he became their chief support, rising at 5 A.M. to wash store windows, sweep out a bank and a newspaper, and working from 6 A.M. to 6 P.M. on Saturdays.

By working all kinds of odd jobs, Carlson managed to put together enough money to attend the California Institute of Technology and graduate, during the Great Depression, in 1930, with a B.S. in physics and $1,400 in debts. At that time, jobs were scarce. After writing to 82 companies, and receiving only two replies, and no offers, Carlson got a job in July 1930, with Bell Laboratories. In 1933, as the Depression grew worse, he was laid off. He then worked briefly in a New York patent law office.

In 1934, Carlson found work in the patent department of P.R. Mallory and Company, an electronics firm best known for its batteries. While at Mallory, Carlson became frustrated with the inconveniences of obtaining extra copies of documents and drawings. At that time, copies were made with carbon paper or by Minnesota Mining and Manufacturing Company's Thermo-Fax or Eastman Kodak's Verifax. If a mistake was made on the typewriter, it could not very well be erased, if at all, on the carbon copies. Both Thermo-Fax and Verifax relied on expensive chemically treated paper furnished by the manufacturer. Delicate Thermo-Fax copies turned dark when exposed to excessive heat, and Verifax copies were wet and would smear if not properly dried.

In 1935, Carlson undertook his first experiments in the kitchen of his apartment in Jackson Heights, Queens. Over the next two years, after having tried and rejected numerous methods, Carlson settled on a process of electrostatics. He now moved his experiments to tiny rented room in Astoria, Queens. This makeshift laboratory was equipped with only a work bench, some glass and metal plates, a few chemicals and a Bunsen burner.

During this period, Carlson was a night student at New York Law School. These were hard times for the nation, the School and for Carlson. The country had plunged headlong into the depths of the Depression. On October 22, 1938, nearly a year after filing his initial patent, and while a student at New York Law School, Carlson produced the copy of "10-22-38 ASTORIA," heralding in the process that revolutionized offices and spawned a multi-billion dollar industry.

Carlson continued to work on finding better techniques and materials that could be used to transfer images to a sheet of paper. In 1939, the year of Carlson's graduation, World War II broke out. In 1940, the draft was instituted and Carlson was admitted to the New York bar. The draft dealt the school a crushing blow and in 1941, the Board of Trustees were forced to close the school. During these years, Carlson searched in vain for buyers.

Undaunted, Carlson filed additional patent applications, the most important of which was his basic xerography patent, issued in October 1942. Year in, year out, the frustration wore on as Carlson tried abortively to sell his dry-copying method to more than 20 companies, including Bell and Howell, General Electric, IBM, and Kodak. His work was even dismissed by the National Inventors Council.

Refusing to give up, Carlson managed to gain the interest of the Battelle Memorial Institute in Columbus, Ohio. In 1944, Carlson and Battelle, a nonprofit research organization, negotiated an agreement under which the Battelle Institute would undertake to improve the copying process and share in any future profits.

In 1947, following World War II, New York Law School reopened at 244 William Street. In that same year, the Haloid Company, later to become the Xerox Corporation, acquired the rights to develop a machine using Carlson's patents from Battelle... it was a tremendous venture for Haloid. The company invested $12.5 million - more than the company's total earnings from 1930 to 1959 - to develop the first photocopier machine, the 914. It was not until 1959 that the revolutionary impact of Carlson's invention and persistence became fully evident. When it was finally introduced in 1959, the Xerox 914 was a simple and convenient office copier that carved a niche in American business history and created a legend in the annals of industrial success.

Interestingly, Chester Carlson was never employed by the Xerox Corporation. Rather, he remained in the background, as a consultant who preferred anonymity, giving his opinion only when asked for it.

Haloid (Xerox) bought the Carlson patents from Battelle for nearly 2 million Xerox shares under a complicated royalty agreement. It is rumored that the price was close to $64 million. How much of that went to Carlson is not known. It is known that Carlson, whose life was full of hardship and sacrifice, earned over $130 million from his magnificent invention. It is also known that he donated at least $100 million to various charities and foundations.

Before his death in 1971, the late Joseph Wilson, who had succeeded his father as president of Haloid, and who took the risk of developing the Xerox 914, had this to say about Carlson's contributions: "First, we will never forget that in the individual is the origin of the great creative act ... Second, we learned that great rewards come to those who see needs that have not been clearly identified by others, and who have the innovating capacity to devise products and services which fill these needs."

According to Dean James F. Simon, "The founding principles of our School are to provide an excellent legal education to deserving students who might otherwise not be given the opportunity to enter our profession and serve the bar and the broader New York Community." Indeed, it seems appropriate that Chester Floyd Carlson is a distinguished alumnus of New York Law School, since his life's work was a perfect implementation of those very founding principles.

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Sure, you're busy. But we can make it easy for you to write an article for the paper. Just stop by the Reporter Office anytime and talk to an editor. They can give you a blank formatted disk and access to a computer terminal, and even assistance in learning any of the big programs like WordPerfect 5.1, Microsoft Word for Windows or Mac Word 4.0.
Sustaining Growth and Development in the Third World

by Patrick Benn

"Choose your friends wisely," goes the old adage. It might just as well apply to central governmental macro-policy decisions. Compared with earlier history, the developing countries have grown quickly over the past 40 years. The time it takes to double real incomes per head in the early stages of industrialization has fallen dramatically. Britain needed roughly 60 years to do it after 1780, America nearly 50 years after 1840, and Japan about 35 years after 1885. Turkey achieved the same feat in 20 years after 1957, Brazil in 18 years after 1961, South Korea in 11 years after 1966, and China in 10 years from 1977.

Despite the mood of "development pessimism" that has prevailed for much of the period since the second world war, history proves that poor countries can indeed grow- and much faster than today's rich countries did- at a comparable stage of development. The main reason is the choices governments make regarding technological progress. Through trade, today's poor countries can import the means (goods, Ideas, technology) to make their assets (labor and land) more productive.

But the figures also tell another story. Between 1960 and 1980, America's income per person in Asia went up, on average, by 3.6% per annum. During the same period in Latin America, they went up only one-third as fast, at 1.2% per annum. Sub-Saharan Africa fared even worse: its real incomes went up only by 0.8% each year (and during the past two decades actually fell). Within regions, there are even bigger disparities. Asia has South Korea and Taiwan at one extreme, India and Vietnam at the other. Latin America has Chile, but it also has Argentina.

The World Bank's new World Development Report argues that these disparities are mainly caused by economic policy. To put it bluntly, developing country governments can choose whether their countries will prosper or stagnate. The past 40 years have not answered every question in development economics, but the evidence is now good enough to know which policies are likely to work and which are certain to fail.

The new report combines a vast amount of earlier research. But some of the most striking information is new- derived from a big study of the Bank's own operations as a lender to third world countries.

The Bank's economists looked at 1,200 investment projects which had been supported by either the Bank or its sister, the International Finance Corporation. The sample is broad as well as big: it includes private projects as well as public ones, and ranges across agriculture, industry and the parts of the economy that produce "nontraded goods" (i.e., infrastructure, utilities, etc.).

As part of their normal process of appraisal, World Bank analysts work out the economic rate of return on completed projects. For each borrower the bank also keeps track of a variety of economic distortions in, for instance, trade (tariffs and non-tariff-barriers such as import quotas), foreign exchange (the premium on black market exchange rates), interest rates (whether positive or negative in real terms), and fiscal policies (the size of budget deficits).

The new study has put all of this information together to see, on a project-by-project basis, what difference distortions caused by policy make to projects' rates of return. On every measure of distortion, projects yielded the highest returns where distortions were low and the lowest returns were seen where the distortions were high. Take distortions in the foreign-exchange markets. Where these were low (a black market premium of less than 20%), economic rates of return averaged 18%; where they were high (a black market premium of 200%), the average return was 8%.

Overall, projects undertaken in a relatively undistorted regime had rates of return that were 5% higher than projects undertaken in a distorted regime. If this improvement in efficiency could be achieved for all investment across an economy, incomes per person would typically rise by more than an extra percentage point each year.

That part of the report, in effect, finds new evidence for something the Bank has been telling governments for years: get your prices right, mainly by intervening less. The result will be more competitive domestic microeconomy with strong links to the outside world. Elsewhere, the new report takes pains to stress that government has a crucial positive role to play as well.

An efficient domestic economy needs investment in infrastructure. And if new investment opportunities are to be seized, people need to be healthy and educated, especially, in basic skills- which calls for public spending. And macroeconomic policy needs to be a stabilizing influence.

"An efficient domestic economy needs investment in infrastructure... people need to be healthy and educated, especially, in basic skills- which calls for public spending."

These four elements- a competitive macroeconomy, global linkages and investment in people- feed on each other. For instance, a competitive microeconomy furthers educational progress because it raises the economic returns from extra years of schooling; equally, better education makes an economy more competitive by making workers more productive. There are many more such links to be found (see chart).

Another new piece of research gives an indication of how important such links might be. The World Bank studied two different aspects of policy- price distortions (using the foreign-exchange premium as the measure) and education- then plotted the results against growth in aggregate GDP for 60 developing countries during 1963-87. The countries that scored badly on both aspects of policy grew at an average of 3.8% per annum. The countries that did well on one aspect of policy and poorly on the other grew at an average of 5.8% per annum. The countries that scored highly on both measures of policy grew by an impressive 5.5% per annum.

So the reward for improving one aspect of policy was an extra 0.7% of growth, while the reward for improving both was an additional 2.4%. When you get different aspects of policy right, it seems, the whole is greater than the sum of the parts.
With the Law student's discount of $200 will be deducted from the cost of $1,250 for any student still in law school who registers for the Pieper New York Multistate Bar Review Course by November 1, 1991.

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The Reporter would like to congratulate all of the 102 participants of the 1991 Froessel Moot Court Competition. Froessel is an intramural competition held annually for second and third year students to put their advocacy and practical skills to a test.

This year, the students argued whether the Fourth Amendment applies to searches and seizures by U.S. DEA agents of property owned by a resident alien and located in a foreign country. They also argued whether the Sixth Amendment right to counsel is violated when the prosecutor obtains tape recordings of attorney/client telephone conversations.


This year’s top honors went to Elizabeth Eilander. Her co-finalists were L. Bryce Moses, Steven Senior and Richard Straussman. Steven Senior and his preliminary argument partner, John Daly, also won Best Brief and Best Team award. Jeryl Brunner won Best Oralist for the preliminary round.

The competition ran flawlessly, due in large part to the caliber of all of the competitors and the hard work and dedication of the Moot Court Association. This year’s Competition was Co-Chaired by Sonia Metellus and Maria Ressos. Metellus and Ressos were assisted by Ivonne Prieto (Moot Court Assm. Chairperson), Debra Robb (Vice-Chairperson and Froessel co-author), Steve Benham, Gayle Hyman, Erik Jacobs, Andrew Shipper, Bill LoCurto, Harold Rosenthal and the Journal of Human Rights.

New York Law School and the Reporter would like to congratulate all of its students who were successful 1991 write-on candidates for the New York Law School Law Review, the Journal of International and Comparative Law and the Journal of Human Rights. Congratulations!

New York Law School
Journal of International and Comparative Law
Joseph M. Conway
Fernando L. Cruz
George S. Matthews
Nancy C. Nissan
Caroline A. Peebles

New York Law School
Journal of Human Rights
Denise Campbell
Mary E. Fritz
Edward J. McGowan

Above: Elizabeth Eilander, 1991 Froessel Winner
Below: L. Bryce Moses, Froessel Finalist

The Reporter is proud to announce the addition of Ms. Margia G. Kramer to the administrative staff at N.Y.L.S.

The multitalented Ms. Kramer joins us as the new Business Manager for the Journals and the Moot Court Association. Ms. Kramer is a former Professor at Duke University and public grants writer.

Her office is located on the eighth floor, in the new Journals Center. Welcome aboard Ms. Kramer!
Deborah Howard, Esq.
New Director of Career Services Emphasizes "Service"

by Fernando Cruz

This year, the new semester at New York Law School opened with a new Director of Career Services, Deborah Howard, Esq. Howard’s route to the NYLS Office of Career Services offers insight into alternate career paths open to a person with a law degree. Howard is a native New Yorker who was born in Brooklyn. Howard received a Bachelor of Arts degree from Harvard University, where she majored in East Asian Studies. She speaks fluent Japanese and lived in Japan during her senior year.

After receiving a law degree from Northeastern University, Howard went to Japan for a year to study Japanese child protection laws. She then returned to the U.S. where she worked as a judicial clerk in Alaska. This experience proved to be especially fulfilling; as a judicial clerk in a frontier state, Howard was able to “make law” besides “receiving a decent salary as a public servant.” However, Alaska’s long, dark winters soon took their toll and Howard was DC bound.

In Washington, D.C., Howard practiced law with a small firm where she specialized in consulting work for Japanese clients. Although Howard enjoyed her work, she found that she “hated DC.” Apparently, DC’s reputation as a “one industry town” she decidedly dismissed – Washington, D.C. is not for everyone as politics is the industry, and name-dropping is the name of the game. Howard subsequently returned to New York where she worked in the Code Enforcement Unit for New York City’s corporate counsel.

Howard eventually migrated toward the human resources field when she began to recruit for an employment search firm that specialized in placement of attorneys. Switching from lawyering to “headhunting” was a difficult transition but one that Howard was ready to make: “I simply grew tired of litigation,” she says. Howard conceives that New York is “too tough to litigate in,” citing the immense bureaucracy and intricacy of the New York legal establishment. However, Howard is really very excited about coming to New York Law School. Her education and experiences can benefit all of its students.

Howard plans to make “service” to NYLS students a hallmark of the Office of Career Services. This means that the office is “here for 100% of the student body and not just the top ten percent.” Although not a reaction to what had previously existed at the Office of Career Services, the new emphasis seeks to lessen student “alienation” which Howard believes impeded the career office’s functioning. An “open door policy” is central to the “service” emphasis. Accordingly, students should not hesitate to come to the office and ask for guidance. “We have a wonderful staff which is energetic, concerned, and desiring to assist,” maintains Howard. If a student encounters any difficulties in using the office, then they should look for Howard, for, as she asserts, “the buck stops here!”

Nonetheless, Howard stresses that students need to take an active role in formulating their career paths. No matter what resources the office makes available, it is the “job seeker who searches and shapes the job search.” The Office of Career Services has many resources available to the students, including individual counseling, workshops, a video library, and numerous directories and manuals on legal job opportunities and job seeking techniques.

Howard is a proponent of networking. If the students “don’t network, don’t use the career services office or come to see us too late, then there are no magic solutions,” she states. Additionally, students need to show interest in and respond to Career Services initiatives. “Sometimes,” claims Howard, “I don’t know how to reach students” because some students don’t bother to read what’s in their mailboxes or read postings. These sane students then claim that they did not have enough advance notice. Students need to read the Career Services Newsletter and attend forums and panels sponsored by the office.

A change that the Career Services office will implement is sponsoring more panel discussions. Panels offer students the opportunity to learn about a particular area of the law while meeting persons involved in that area. Additionally, the office is working hard to expand the “Mentor-Network Program” that seeks to connect NYLS alumni with current students interested in particular practice areas. Howard hopes that this program will be up and running soon. Another new service that will be available is a computer software system that will be able to match firms and their particular needs with students and their particular skills and interests. The system, says Howard, will make access to information and changes to existing data bases much easier. However, this software system is not expected to be available for at least another two months.

Howard recommends that the process of deciding what a student wants to do after graduation begins with a personal evaluation – “looking to whom you are before trying to look at the law.” She suggests that students sort out what it is that they like and what they don’t like to hone in on areas that suit their personalities and preferences. In so doing, students should use internships and summer positions as “testing grounds.” Students who do not know what they want to do should take courses that emphasize their special interests; otherwise, there is no need to specialize in any area because “more diversity of courses may better your chances of finding employment,” says Howard.

Yet, given the current economic conditions, students must work harder to get job offers. “The recession is real,” explains Howard, and networking can make a big difference. For the time being, law schools can expect less on campus interviewing, especially while law firms are moving people out. However, since there is very little that the schools could do to change this, students should simply continue preparing for better times.

While bankruptcy and environmental law are current hot areas, Howard cautions that it is hard to tell which way the profession will move in the future.

When asked about the school’s size and reputation, she responded that she did not believe that the school’s independent status disadvantages NYLS. In certain respects, she continued, it is easier to implement changes or react to market conditions with a smaller student body and smaller bureaucracy. Concerning the school’s reputation, Howard said “the [better [New York Law School’s] reputation is, the less stringent employers will be about grades.” Consequently, it is incumbent upon everyone at NYLS to work toward this end.
David Kessler Takes on Big Business, Congress and the F.D.A.

by Joseph Conway

Something is different at the Food and Drug Administration these days. For a change, Congress and corporate America have begun to take the Rockville, Md.-based agency seriously. The F.D.A., often accused of being a lapdog for the very industries it was supposed to be regulating, has become respectable.

The person responsible for this change is Dr. David A. Kessler. During his first months in office, Kessler has shaken the agency from the top to bottom with a massive restructuring program. He has hired a squad of investigators to crack down on fraud, forced Procter & Gamble, one of the world’s largest consumer goods manufacturers to back down on an orange juice labeling controversy, and has radically reduced the time it takes to get approval on new products.

Dr. Kessler, at the age of 59, is certainly the most capable person ever put in charge of the monolithic Food and Drug Administration. It is not a post most people would relish. When Kessler was appointed last December, he faced an agency that for more than a decade had been bled of funds by the White House and burdened with new responsibilities by the Congress. AIDS activists were picketing the front doors because of the fraud, forced Procter & Gamble (the parent company of Citrus Hill), refused to remove the word “fresh” from its packaging cartons, which the FDA claimed was misleading because the juice was actually made from concentrate. When P&G refused to remove the offending word, Kessler seized the goods.

The FDA is supposed to test for defects, unregistered chemicals, dyes, preservative, and other dangers. But the agency’s lack of financial resources makes that guarantee laughable. In fact, as long as eight years can often go by between the inspections of an average food-processing plant.

Kessler plans to change that, and more. In April 1991, in one of his first public moves since joining the agency, Kessler surprised the food industry, Congress and the Bush Administration by ordering the seizure of 2,000 cases of Citrus Hill orange juice. Procter & Gamble, the parent company of Citrus Hill, refused to remove the word “fresh” from its packaging cartons, which the FDA claimed was misleading because the juice was actually made from concentrate.

But to Kessler, inheriting this mess was the opportunity of a lifetime, one he’s been rigorously training for since college. When he was tapped for the F.D.A. post, he was serving on a federal commission analyzing that very agency. “A lot of my background comes together here,” he says, “I feel comfortable, enormously comfortable here.”

From aspirin to AIDS drugs, from soup to nuts to fish, about 25 cents out of every dollar spent by the American consumer goes for products regulated by the FDA. The FDA is charged with guaranteeing the purity of the food we eat (minus meat and poultry, which are the domain of the Department of Agriculture) and cosmetics and drugs. The agency is supposed to test for defects, unregistered chemicals, dyes, preservative, and other dangers. But the agency’s lack of financial resources makes that guarantee laughable. In fact, as long as eight years can often go by between the inspections of an average food-processing plant.

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Two days later, the food giant agreed to make some changes. Inside the F.D.A., Kessler has aggressively cut the time frame for legal action against a violator from 50 to 25 days. He has also begun to streamline the organization, consolidating 23 department heads into five new positions. For these spots, Kessler has recruited from the private sector a number of high-powered management consultants and Washington attorneys. Most are in their early 40s, and some of them will be earning less at the F.D.A. than they paid last year in taxes.

Dr. Kessler is the former medical director of the Jack D. Weiler Hospital of the Albert Einstein College of Medicine here in New York. He has taught food and drug law at Columbia University School of Law, and while he was training to be a pediatrician at the Johns Hopkins School of Medicine he worked part time for Senator Orrin Hatch of Utah, drafting food and health legislation for the Labor and Human Resources Committee. His J.D. is from the University of Chicago, and he has an advanced degree in management from N.Y.U. as well.

This background has helped him navigate the waters of Congress skillfully. He has deflected criticism of the agency and mastered the art of public relations with the print and television media. False claims about foods, Kessler insists, are about as dangerous as getting prescription drugs from a non-physician.

“The law says that a false and misleading claim adulterates the food. I don’t need anything more than that.”

Kessler’s obsession with food stems from his days as an undergraduate at Amherst. “I was a fat kid,” he says, being the only one at school with a regular-sized refrigerator from home. He kept it stocked with sodas, bagels, cream cheese and cold cuts. In law school he trained on pizza, Chinese food and ice cream. But back in December, at 205 lbs., Kessler was concerned that he’d cut too large a figure for a top health official. So with his characteristic discipline, he decided to reduce his caloric intake by skipping lunch and start exercising (usually running at 1 a.m.). Now, after altering his habits twice, he’s a bony 155.

Says his wife Paulette, a Scarsdale, N.Y., attorney: “He just has incredible willpower, and he’s very focused.”

And yet everyone who knows Kessler invariably comments on his more human side. Kessler is a member of the 60’s generation who never lost the naïve conviction that an individual can change the world. Deceptive food labeling bothers him because it is dishonest and unfair.

While both the White House and Congress have been put off by his performance so far, F.D.A. watchers outside government are skeptical that he will succeed in reverse the fortunes of his agency. Over the past 12 years, in terms of 1979 dollars, the FDA budget has remained relatively flat, despite its increased responsibilities, rising from $302 million in 1979 to $389 million in 1991.

Industry analysts all agree that the agency would need a half-billion dollars more per year just to modernize to the point that it would be on equal footing with its Canadian and Western European counterparts. But with the fiscal mood Washington is in, a cut seems more likely for the upcoming year.

Yet Kessler remains undaunted. “What I care most about is restoring the credibility and integrity of the Food and Drug Administration,” says Kessler, “and the only way to do that is to focus on strong enforcement. We are going to enforce the law.”
Visiting with Visiting Professor Jeffrey O'Connell

by the Reporter Features Staff

Professor Jeffrey O'Connell, an eminent authority on no-fault insurance and tort reform, is here at New York Law School for the Fall, 1991 semester. During an informal chat with Professor O'Connell, the Reporter learned that he is a "double Ivy" - Dartmouth undergrad and Harvard Law School. Professor O'Connell is the Samuel H. McCoy Professor of Insurance Law at the University of Virginia Law School.

He teaches torts, insurance, and legal drafting. "I'm teaching two sections of torts this semester, and while New York Law School is a more urban environment than the University of Virginia, I find the difference between the two student bodies marginal. They ask the same kind of questions and respond to my questions in a remarkably similar way," said O'Connell.

Professor O'Connell was a litigator for five years before becoming a law professor. He spent three of those five years as a judge advocate in Japan and Texas. The other two years, he was associated with Hale & Dorr in Boston, Mass. Professor O'Connell's hometown is Worcester, Mass.

When asked why he became a law professor, Professor O'Connell responded that he discovered after a few years of practice that "all I did as a litigator was negotiate and what I really want to do was write and speak about the law."

Professor O'Connell has certainly lived up to his wishes. He is a prolific contributor to legal literature. In addition to dozens of published law review articles (the most recently published in 1990 in the Ohio State Law Review entitled "A Model Bill Allowing Choice Between Auto Insurance Payable With and Without regard to Fault"), he co-authored in 1965 with Robert Keeton one of the seminal works on no-fault insurance entitled "Basic Protection for the Traffic Victim."

Professor O'Connell's main areas of interest are tort reform, no-fault, and improving the laws on the books. "We need to structure the rules to remove the incentive to litigate, even though that's not a very popular idea," said O'Connell.

Professor O'Connell has also written numerous book reviews. His most current review was a three-way effort with his brother, Thomas E. O'Connell, and Charles Elson on the 1990 biography of Adlai Stevenson.

O'Connell and his wife, Virginia (a native New Yorker) are enjoying their stay in Manhattan. "I love architecture and this city is filled with absolutely magnificent old buildings" said O'Connell. Golf (18 handicap) and reading (non-fiction and autobiographies) fill his spare time. The O'Connells have two children. Their daughter Marsa, an exhibit designer, who works at the Baltimore Museum of Industry, is expecting their first grandchild any day now. Their son, Devin, lives in Los Angeles where he is an insurance executive.

After grading two hundred or so tort exams in December, Professor O'Connell will be leaving New York Law School for a lecture series in Japan. Be sure to stop by his office (CS02) to say hello before the semester ends.

[First in a series of interviews]

The Healthy Law Student

What's Below Your Belt?

by the Reporter Features Staff

The latest evidence indicates that above the waist (i.e., belly) fat is more hazardous to your health than below-the-belt fat. To check your shape, stand relaxed and measure around your waist at its smallest point (don't suck in your stomach- that's cheating). Then measure around the widest part of your hips. Divide the waist measurement by the hip measurement to get your "waist to hip ratio." If it is close to or above 1.0, you are at a greater risk for increased cholesterol levels and heart attacks.

The World Bank's latest World Development Report says that daily food intake in low-income economies rose from 1,990 calories in 1965 to 2,330 calories in 1988. But while the poorest still eat too little, rich countries gorge themselves. The Irish ate the most in 1988, with 5,700 calories a day, just ahead of the U.S.'s 5,670.

Of the rich countries, Japan has the healthiest diet; 2,850 calories per day. The average person in Mozambique tries to survive on a meager 1,630 calories per day, the world's lowest intake. People in disaster-prone Ethiopia, Bangladesh and Sudan do little better on 1,600, 1,930 and 2,000 calories respectively. But remember, these are just averages; wars, floods, famines and local politics mean that many people eat far less.

If you're moving into a new apartment, or upgrading an old one to semi-liveable status, you can safely take some of your mom's old scratched-up Teflon pots. Many people throw out their worn Teflon or Silverstone non-stick pans for fear that they will be poisoned by them.

They won't. The non-stick coatings don't react with food, and unless you get really poisoned by them. The non-stick coatings don't react with food, and unless you get really poisoned by them.

Most Stressful Jobs: Below are the American Institute of Stress's 1991 picks for the ten most and least stressful jobs in America.

The 10 Most Stressful Jobs: Inner-City High School Teacher Police Officer Firefighter Miner Air Traffic Controller Medical Intern Stockbroker Journalist Customer service /Complaints Worker Waiter Secretary Police Officer

The 10 Least Stressful Jobs: Forester Bookbinder Telephone-line Worker Toolmaker Millwright Repairperson Civil Engineer Therapist Natural Scientist Sales Representative

STATE BARBER SHOP
82 Chambers Street
"For over 50 years, our returning customers are our best advertisement."
New York Law Student Goes to the Libertarian National Convention

by Joseph D. Brennan

There is probably a certain excitement in attending any national political convention, but the emotional impact of attending this year's Libertarian Party Presidential Nominating Convention was particularly strong for me. Admittedly, it was my first national political convention, but the significance seemed to be based on more than that.

I had never even heard of the Libertarian Party (LP) before the national convention two years ago. I saw parts of the 1989 convention on C-SPAN and was intrigued by the LP. I called the 800 number displayed, for information, and five months later, in January 1990, I joined the LP.

By the time the next convention rolled around in 1991 (the LP holds a national convention every two years), I was an elected delegate representing New York State. My excitement was heightened by the fact that I was mixing with the most prominent people in the LP: David Nolan, founder of the LP and its first National Chair; Karl Hess, a well known libertarian journalist and speechwriter; Ed Clark, the LP's 1980 presidential candidate; David Bergland, the LP's 1984 presidential candidate; Ron Paul, the LP's 1988 presidential candidate; Dave Walter, the National Chair. These were all people I had only read about, or seen on television, before.

Objectively, there were other aspects of the '91 convention which added to the excitement. 1991 is the 200th anniversary of the Bill of Rights and the 20th anniversary of the LP. Gavel to gavel television coverage was provided by C-SPAN (only convention highlights aired on C-SPAN in '89), with additional media coverage by CNN and The MacNeil/Lehrer NewsHour.

The contest for the presidential nomination was closely contested this year, with two announced candidates, former Alaska State Legislator Andre Marrou and Richard Boddie, who sought to become the first African American male ever to head a national ticket. New York Law School's own Nadine Strossen participated in a panel discussion on the Bill of Rights.

Entitled "Liberty Triumphant," this year's convention, held in Chicago, opened August 29 and ran through Labor Day Weekend. All day Thursday and Friday, as well as on Saturday morning, over 400 convention delegates hammered out changes to the Party's bylaws and platform.

Early Friday evening, the main convention floor was packed for the Presidential Candidate Debate, televised on C-SPAN. By Friday night, the tension had reached a perceptible level. Marrou declined to participate in an unofficial debate held late Friday night.

The unofficial debate failed to turn into a one-sided Boddie event when a third candidate, David Raflaub, showed up to announce his candidacy. In true Libertarian fashion, Raflaub was welcomed and allowed to participate in the debate.

And then on Saturday afternoon, shortly after 2PM, the big event, selection of the presidential candidate, began with nominations and seconding speeches.

Altogether, there were five nominations. Marrou, Boddie, and Raflaub were joined by Hans Schroeder, editor of The Pragmatist magazine, and "None of the Above." Libertarians always allow the choice "None of the Above" to be included in all balloting, on the principal that voters should be free to reject all candidates. Under the Party's Convention Rules, if "None of the Above" should receive a majority of the vote, no candidate shall be nominated and if "None of the Above" wins an election for any Party office, that position will be declared vacant for the term of office.

The biggest surprise of the nomination process was Al Goldstein's (publisher of Screw magazine) seconding speech for Richard Boddie. I hadn't known that Goldstein was a Libertarian. After the first ballot votes were cast and each state's delegation had announced its votes, Andre Marrou had won with 257 votes. Boddie finished second with 155 votes.

Although a presidential candidate had been selected, the drama was not over. The vice-presidential candidacy remained to be filled. Nominations for the VP spot included Richard Boddie; Mary J. Ruwart, Marrou's choice; Nancy Lord, MD, attorney, and 1990 LP candidate for Mayor of Washington, D.C., and Calvin Warburton, a New Hampshire State Representative who recently resigned from the Republican Party and joined the LP.

At the end of the first ballot, Boddie had the most votes, Ruwart was second, and Lord third, however, Boddie failed to receive a majority of the vote cast. Balloting was suspended and the convention was adjourned until Sunday morning.

Overnight, some of the nominees, particularly Ruwart and Lord, campaigned hard, speaking to groups of convention attendees in "hospitality suites." On Saturday night, conventioners also had the opportunity to attend the "Presidential Banquet and Dance." At the banquet, Party leaders, former candidates, and the new presidential candidate gave speeches. There was an impassioned plea for donations towards the presidential campaign and $10,000 was raised.

Finally, on Sunday morning, delegates returned to the main convention floor to cast their second, and ultimately their third, ballots for the vice-presidential candidacy. After the second ballot, in which no nominee received a majority, all the nominees other than Lord and Boddie withdrew from the race. In the LP, unlike some other parties, the selection of the vice-presidential candidate is not just a "rubber stamp" procedure. Therefore, even though Andre Marrou had indicated his preference for Mary Ruwart, on the third ballot, Nancy Lord received the VP candidacy in a 228 to 195 victory over Boddie.

During the remainder of Sunday's session, various Party offices were filled and motions were entertained from the floor. Mary Gingell was elected the next National Chair. I was one of twelve people nominated to fill seven positions on the Party's Judicial Committee. This was the first time I had ever been nominated to any National Party office. Unfortunately, I finished tenth, so I was not elected. After all the Party offices were filled, many delegates began to leave the convention floor. At one point, a quorum call was required to determine if enough delegates remained to conduct further business. Ultimately, the convention was adjourned. It had all come to an end.

This year's convention was the largest gathering of Libertarians I have ever attended. In the two years since the last convention, I had gone from never having heard of the LP to participating on a national level as a convention delegate. It is doubtful whether such a level of involvement could be achieved so quickly within either the Republican or Democratic parties. Sometimes there are rewards for being smaller. During the '89 convention, the Party received about 1,000 telephone inquiries as a result of C-SPAN coverage. This year over 11,000 inquiries have been received. The LP is the third largest and fastest growing political party in the United States. The next national convention will be held in Salt Lake City and some of the delegates at "Liberty Triumphant" commented that, at the rate the Party is growing, we may not be able to fit our next convention into a hotel.

Write for the Reporter

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Face to Face With Four First Year Students

by Alesia Albanese

We interviewed four members of the class of '94 to discover some of the backgrounds, personalities, and interests of this year's ILs.

Meredith Berman
Meredith is from Rockland County, New York and is a recent graduate of the University of Massachusetts at Amherst. Meredith majored in management and is now interested in corporate law. Her favorite class in law school is contracts, and her least favorite is legal writing. Stan's is the social activity of choice for our first interviewee, and her other interests include skiing, vacationing, and sunning. Meredith has yet to join any NYLS clubs, but says that she will in the very near future.

As do all of the students interviewed, Meredith loves New York City. It's no wonder, since she lives in Battery Park City. Meredith says that she decided to go to law school because she "wants to help business people." Most importantly, though, she made this decision when, in her business class, she discovered that everything that she was learning was biased, with the exception of the law! Why New York Law School?

"Because," says Meredith, "that's where I got accepted." Meredith, we look forward to joining you for a big beer at Stan's!

Jonathan Grosser
Jonathan, an SBA senator, hails from Philadelphia and graduated from Tulane University. An undergrad poli sci major, Jonathan is interested in politics and the law, as well as environmental law. Jonathan's favorite NYLS class is torts though he claims to like them all. Even legal writing, Jonathan?

Jonathan is another fan of Stan's, and his other interests include politics and athletics. Jonathan lives in the West Village and loves New York City. Why is this aspiring politician in law school? "I think that being a lawyer will be intellectually stimulating; and I see it as a springboard into politics." Why NYLS? Jonathan cites geographic location.

Good luck, Jonathan.

Janine Azriliant
Janine Azriliant from Woodbury, New York, is a graduate of Lehigh University in Pennsylvania. At the Reporter, we await an article submission from this journalism major who has not yet joined any clubs, but plans to.

Janine likes NYLS and loves NYC, but who doesn't? She is interested in sports and entertainment law; they have a club here too, Janine. Contracts and civil procedure are her favorite classes. Actually, there are no classes that she doesn't like.

Though she didn't name Stan's, Janine says that she likes the bar scene. Her other interests include sports and writing. The West Village seems to be the place to live. Janine is another resident of that area who claims to LOVE NYC. She is in law school pursuing a "family business thing." Why NYLS? Janine likes this city, the location, and the experience.

Don't forget that article, Janine.

Steve Rosenbaum
Steve Rosenbaum of New City, Rockland County, is a graduate of The University of Michigan. Ask Steve what a good major for law school is, and he'll tell you it's English. As for NYLS, he says it's "so far fine." Steve isn't sure what area of law he wants to pursue, but enjoys the law and finds that he is good at it. Steve's favorite classes are Lawyering and Civil Procedure (with Professor Perlin).

Steve enjoys people watching, as well as health and fitness related activities. A new member of the Jewish Law Students Association, Steve also is interested in several other clubs. In contrast to those who live in the West Village, Steve says that NYC is, "fun and quaint." Guess where Steve lives. In an NYU dorm. Why is Steve at NYLS? His father is an alum.

We look forward to seeing you in Washington Square Park, Steve.

What do the first year students have in common with those in their second year? To find out we interviewed a former IL.

Chris Luongo
Chris Luongo, a Berkeley Heights, N.J. native, is a graduate of Rutgers College. On IL experiences, Chris said, "The first year in law school is an important step in one's legal career. Unfortunately, I tripped."

Chris says that NYLS is a great school with delightful architecture. We asked him why he attends NYLS, and Chris responded: "New York Law School? I thought this was NYU. Oh well."

Chris also frequents Stan's, loves NYC, and is currently in the process of forming a new club here at NYLS: The Federalist Society.

We eagerly await any upcoming events, Chris.
The Not-So-Great-Anymore Lakes

by Justine Kaplan

Crowded beaches once separated Lake Michigan from the sparkling glass-and-steel high-rises that line Chicago's scenic North Shore had risen so high that when a severe winter storm sent ten-foot waves crashing into expensive lakefront apartments, living rooms were submerged in as much as nine feet of water and flooding forced the shutdown of all 28 miles of the heavily travelled Lake Shore Drive. Two summers ago, those same residents enjoyed views that resembled the coast of Florida, when the lake dropped three feet, uncovering miles of sandy beaches.

Water levels in the Great Lakes Basin, the largest body of fresh water in the world, have been rising and falling since the North American glaciers retreated 18,000 years ago and have proved unpredictable for scientists. In October 1986 the five lakes (Erie, Michigan, Huron and Superior) and their six quadrillion gallons of water were at their highest levels since record keeping began after the Civil War. Furthermore, levels have risen five feet since just 1955 but have dropped three and a half feet since October 1987.

The rising waters were caused by high precipitation and a cooling trend, which has decreased evaporation over the past 15 years- a direction forecasters believe is rapidly reversing. But results from the NOAA study, which was drafted for the Environmental Protection Agency (EPA), should be received with caution, says Thomas E. Croley II, a member of the lab's lake hydrology group, "because the computer model has large uncertainties" and the results are only "possibilities for a future with increased CO₂ content."

According to the report, if the predicted climate changes do occur, lowered lake levels could reduce wetland areas, the shallow marshes that serve as breeding grounds and nursery areas for fish and wildlife. "Salmon," says Frank H. Quinn, head of the lab's lake hydrology group, "would be forced to move to deeper waters," brook trout "would migrate to cooler streams where they would have to compete for habitat." Quinn adds that "whitefish populations would die off because they require an ice cover to keep their eggs alive in winter."

Lowered water levels would also affect commercial fishing because as channels become shallower, extensive dredging would be required to maintain navigation depths of 27 feet from one lake to the next. Bottom sediments in channels and harbors are highly contaminated with toxins, causing the added problems of dredge spoil disposal and poisoning of fish.

Less water would result in decreased hydro power production, used extensively along the lakes and important because it is cleaner and less expensive than fossil fuels. And while warmer air could mean a longer growing season, soil moisture shortages could curtail agricultural operations. Conditions such as last summer's drought cause an increase in evapotranspiration- when plants grow faster, use more water, and deplete soil moisture.

And with even a 3 degree Celsius warming, commerce that depends upon reliable snow cover may collapse, although a reduced ice cover could lengthen the shipping season. But lower lake levels could increase shipping costs and cause traffic backups because during low periods more trips have to be made to move the same amount of cargo.

To come up with the computer model, information was compared with EPA data from the Goddard Institute for Space Studies, the Geophysical Fluid Dynamics Laboratory and Oregon State University. Each group had a general model that compared the present climate with future possibilities. While the separate models disagreed on precipitation, wind speed and humidity, they all agreed on climatic warming.

Are you the next
Steven Jobs? The
next Wilhelmina
Gates?

The Reporter is
looking for a NYLS
student to help with its
new 486-50Mhz
Computer, Flatbed
Scanner, Printer and
Notebook Computers.
We are not
computer literate,
we need your help!

Stop by the Reporter
office and see
Fernando Cruz or Joe
Conway.
Risa Proctor, president of LAW. Prof. Laura Stein, Prof. Linda Keenan, Elenora Benz, and Elizabeth Ames

Ian Waldon shows fine form at the frog hopping booth

"Just smack it like this!"

Regan Trumper

NYLS students; Doug, Steve, Chris Luongo, and Chan.

Dean Wellington discusses the
Patrick Benn tries to ring the bell with the assistance of Doug Stern.

Monica Coen goes into the tank.

Pat Benn, Lou Taubman, Charles Penkoe, playing ball at Central Park.

Jack and Susan Froehlich as the Centennial Festival prepares to open.

Future of NYLS with students.

Arnold Levine, Alesia Albanese, Mitch Donner at the SBA party.
Points to Ponder

• If you're buying a small number of items, like a cup of coffee or a soda, simply say, "Thanks, but I don't need a bag."

• It's really easy to recycle at NYLS!

• WHITE PAPER RECYCLING IS COMING SOON!!!! (If you are interested in participating, contact K. Eliza Ryder through her student mailbox)

• Put your newspapers and magazines into the blue plastic containers in the vestibule of C-Building (57 North Street).

• Put your cans and bottles into the WE CAN receptacles (The long brown rectangular cardboard boxes with can-sized holes on top)

• WE CAN accepts all cans and bottles, plastic and glass, deposit or not. (This includes SNAPPLE ICED TEA, EVIAN, YOO-HOO, ELLIOTT'S AMAZING APPLE JUICE, GATORADE, etc.) Be like Mike and recycle.

• RECYCLER'S DO IT MORE THAN ONCE

However...there are those of you who don't still seem to get the gist of it!!! Listen up!! Why do some of you (you know who you are) insist on throwing your soda cans and bottles into the regular garbage cans? Also, try to pick up after yourselves just a little bit. Did you ever see the cafeteria or the lounge after 5:00 p.m.? It's disgusting, and I'm sure you don't want the sloppiness of these areas to be representative of NYLS.

Enough of the lectures! Here's some useful information on how YOU CAN help complete the cycle, BUY RECYCLED PRODUCTS. Look for products that use post-consumer recycled materials.

Vendors who sell environmentally-sensitive and/or conscious and/or correct and/or granola-esque products:

• DEAN AND DELUCA: Fabric satchels (instead of plastic and paper shopping bags). 550 Broadway at Prince Street. (212) 431-1691.

• ATLANTIC PAPER CO.: Paper, envelopes, notepads, coffee filters, fax paper, etc. (Call toll-free 1-800-323-2611 for a free catalog).

• ENVIRONMENTAL ACTION COALITION: Information about recycling and rechargeable batteries. (212) 677-1601.

• More will be forthcoming. Next issue: Ask me about the environment or environmental law. Place your questions in the Environmental Law Society mailbox, or in my mailbox (It's the first blue on under "W"). I will try to answer all questions in this column, and if not printed, I will get a personal note back to you.

The Courts of New York

This revised guide to the court system in New York State includes chapters on the federal courts, as well as chapters on court organizing, criminal cases, civil cases, trials, and trial trial fees, plus guidelines. The book also features a glossary of legal terms, plus charts and maps. Published by the New York State Bar Association's Courts and the Community Committee, the book is intended as a reference work for the state's citizens.

"The Courts of New York" is priced at $5.00 each for one to nine copies, and $2.50 each for ten or more.

Please send me ______ copies of "The Courts of New York" at $ _______ each, New York State residents please add applicable sales tax. Make check payable to the New York State Bar Association.

Name
Address
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Olivetti, one of Europe's leading manufacturers of personal computers, is finally making headway into the U.S. market with its new line of notebook computers. At the top of the line sits the 20-Mhz 386SX model S20, which supports a standard 60MB hard drive, and 2MB of RAM, expandable to 6MB. That's 4MB less than the 10MB ceiling on the new Toshiba T2200SX, but 1MB more than the maximum on the Dell 320N.

The S20 is unique in that it features a PS/2 compatible touch pad mouse integrated into the base of the unit. By using the mouse pad, the screen cursor is maneuvered with the touch of a pen or a finger. This feature allows the user all of the comforts of a mouse or miniature trackball without the hassle of carrying around these peripherals. Our testers reported that they had to press hard on the pad to move the cursor.

A dedicated processor controls power consumption and an LCD panel displays the level of battery power remaining. An acoustical signal warns of imminent battery depletion, which is a nice touch not found on any other notebook we know of.

When no processing is taking place, the power-saving "Resume Mode" function safeguards existing data, and automatically shuts down the power. When the PC is switched on, operation is resumed from the point of interruption without reloading the program.

The S20 features a 3.5" floppy disk unit, one serial and one parallel port, connectors for an external keyboard and slots for a modem/fax board. The full-size PS/2 compatible keyboard is removable.

The S20 has a first-rate 9.5" backlit, page white 640x480 VGA display. It weighs 6.39 pounds, again losing out to the slim 5.5 pound T2200, but less than the hefty 7.3 pound AT&T Safari.

The Olivetti notebook comes with a single NiCad battery, which Olivetti insists lasts 3-4 hours. On our tests, the S20 came in just under 3 hours, a respectable time for a notebook.

The machine comes in a grey casing with a matted finish, a nice change from the putty color of the first notebooks and the now de rigueur black casing.

At a list price of $4,850.00, the S20 comes out at the high end of the pricing scale, and is its one major drawback. Olivetti's distributors are going to have to seriously discount the machine if it is going to remain competitive with similar comparable models.

**In Brief:**

The Olivetti S20 is a stylish, top of the line notebook computer with a price to match. It has one of the best screens we've seen yet, and its battery life is better than average. You can, however, find a similar notebook for a much cheaper price elsewhere.
Neil Finn's Crowded House: Quality Music Goes Searching for an Audience

By Michael Simone

Crowded House's 1986 debut album is considered by many to be a classic. Although it took the public over eight months to catch on to this group's irresistible wit and catchy melodies, the record ended up selling over a million copies on the strength of the singles "Don't Dream it's Over," and "Something So Strong.

1991's version of the band - vocalist/guitarist Neil Finn, bassist Nick Seymour and drummer Paul Hester - has taken on Tim Finn, Neil's brother, a refugee from a disappointing solo career. In addition to sharing songwriting credit with his brother, Tim plays keyboards and adds effective vocal harmony's to the band's already pleasing melodies.

Their third record, Woodface (Capitol), is a welcome remedy to the optimistic, impersonal music the pop world has been dishing out over the past year or so. If you can't tell the difference between Mariah Carey and Whitney Houston or the hopelessly upbeat mood of such songs as Paula Abdul's "Promise of a New Day" and Jesus Jones's "Right Here, Right Now" makes your stomach turn, this band's pure pop sarcasm may be what you're looking for.

The records first single, "Chocolate Cake," was inspired by a woman in a New York Restaurant who asks her friend whether she should have another piece of cake after an enormous meal. This anecdote serves as an example of American excess for the unfocused, but amusing, lines that pepper the rest of the song.

Tammy Faye loses her faith, cow noises emerge as Elvis exits a Seven-Eleven, and the excess of fat on our american bones cushions the fall as we sink like a stone. The jazzy piano lines and pleasing beat make these stinging lyrics easier to take.

If this song is too dark for you, there is a lighter side to Crowded House, as represented by a handful of romantic ballads. "Fall at Your Feet," "Weather With You" and "Four Seasons in One Day" have instantly been compared with Lennon/McCartney inspirations. However, they rank closer to material of early Squeeze. They are exquisite pop songs that are substantive as well as accessible.

This band also has fun with subtly subversive lyrics hidden beneath the facade of conventional songs. The toe-tapping "It's only natural" is a come-on as classy as Bonnie Raitt's "Let's talk About Love," but included is a line or two that may have you doing a double take. (Read me like a book/that's falling down between your knees) "Whisper and Moans" paints a vivid picture of an eavesdropper who would like to be a fly on his rather loud neighbor's wall. Even so, these sexual references are so vague I would challenge even Tipper Gore to find a reason to subject this product to a warning label.

There are other surprises here. "All I Ask," includes a dramatic orchestral arrangement and existential lyrics; (All I ask is to live each moment free from the last) in "Italian Plastic," drummer Paul Hester tells his Bella Bambino that he'll be her glass of water; and "There Goes God" finds the big guy jealous at his arch enemy because he looks so good in black.

Stick around after the final track for a sample of the bands boisterous humor.

Crowded House will arrive in New York on October 22nd. Catch them at the Beacon Theater with opening act Richard Thompson, who will treat audiences to a special acoustic performance (i.e., he's broke, he can't afford to pay a band, and his ex-wife wants money).
An Ex-Policeman's Second Career Rolls Along Quite Nicely

by Michael Simone

If you are familiar with Andy Summers at all, you know him from his days with The Police. While Sting burned his ego onto the vocal tracks of each song, Andy provided the subtle instrumental background. The haunting classical guitar on the misunderstood “Every Breath You Take” and the Rhythmic pop/reggae chords that made “Roxanne” so infectious were entirely his contributions.

Since the members of The Police went their separate ways, rather than living in the shadows of his ex-bandmate, Andy has been carving a notch for himself in the new age music market. Tracks from his three previous albums, Mysterious Barricades, The Golden Wire, and Charmed Snakes, can be heard regularly on CD-101.9. Songs from his recently released album, World Gone Strange (Private Music), are already in heavy rotation.

Fans of new age music, as well as jazz fusion, will find much to enjoy in Andy's new work. The rhythmic guitar signatures on the opening, title track blend with scatting vocals to form a pleasing contrapuntal line that is not easy to forget. On “Bacante” Andy shares the spotlight with Brazilian pianist Eliane Elias. The song begins with a simple Brazilian melody, which by songs end develops into a structured vehicle for the musicians to demonstrate their improvisational skills.

Andy, on tracks like “Ruffled Feathers” and “Rhythm Spirits,” displays his affinity for screaming, whammy drenched guitar leads, a talent he rarely employed in the limited forum of The Police. “The Blues Prior to Richard” may be a tribute to Richard Pryor, who's sad condition was observed by Andy during the filming of “Another Your.” (Remember that movie Andy played the bandleader - with Pryor on sax.)

The record's cover, with Andy Summers' name displayed in big, red and white letters, does not fully inform the public that this record was recorded by a tight, professional band: Chad Wackerman on drums, Tony Levin on bass, Mitchel Forman on keyboards, with the addition of pianist Eliane Elias and Victor Bailey on bass. Each musician adds character and style to Mr. Summers' eclectic collection of compositions.

This is Andy's fourth album in three years, which is quite an accomplishment, consider that his career also spans film scoring, acting and photography. Recording this type of record requires 1/3 the time of the usual pop record, since all the musicians are usually in the studio at the same time and overdubs are rarely necessary. This leaves Andy plenty of time to pursue other interests, such as embarking on lengthy tours after the release of each record.

The U.S. leg of his tour will begin in November. So watch for your chance to see this five-time winner of Guitar Player's annual reader's poll in concert. This time, thankfully, he can be seen in a intimate small club instead of cavernous Shea Stadium.
Movie Review

Sex, Drugs & Rock 'n' Roll
A film by Eric Bogosian

by Michael Popkin

For no reason other than the fact we have all seen it carved into desks or heard rock stars roar it as their battle cry or just looked up from a stack of tax forms penciled on a wall, the epithet "Sex, Drugs and Rock 'n' Roll" garnishes our attention. For most of us, until just recently, it could probably have served as a summation of our lifestyles. It's the philosophy that we are all bulletproof and that if we are not going at breakneck speed, the world will pass us by. As a title, it is extremely powerful. For these reasons and more Eric Bogosian chose it as the title for his latest work. As he says in the book's introduction, "Sex, drugs and rock 'n' roll is a provocative title. It promises fun and excitement. We all want to be happy."

The author accurately captures and depicts the many contradictions which make up our lives. Reading through his book allows you to be in the same room as each character. His powerful social observations and accurate characterizations will make you think. However, the book is not just thought provoking; it's also humorous, sad, and stirs up just about every emotion in between.

After reading the pan handler's monologue, about a beggar who could be holding a knife to our throats, but would rather not have to do that, you'll feel the guilt that is familiar to all who ride the subways. You'll feel repulsed by, but also compasion for, the bragging macho stud who's life is controlled by his sex organ. With each character, the author masterfully brings us in to sights into the world.

With stories as interesting as the time he and his pals got trashed at a stag party and fought with some Hell's Angels, you are guaranteed to find something to bring a smile to your face.

But as Bogosian warns, "there's also the dark side." The frustration and paranoia we all sometimes feel turns up often. A man who acknowledges that he is consumed with hatred, but at the same time proud of it, will cause us all to question ourselves. A young black rapper struggling to gain some type of power, whether by rhyme or crime, could not be a more accurate reflection of what many poor minority youths in the ghetto are experiencing.

Bogosian saves his most chilling character portrayal for last. In our society, many people are afraid of going after their dreams. Nobody cares about people anymore because everything is either run by machine or huge profit hungry entities called corporations. Stay in your cage. It's not important how you really feel, just so long as you wear our sneakers, drink our beer, drive our cars and do everything everyone else does. Conformity is the key. It is these ideas which come from the head of a pot smoking artist who has stopped creating because he fears the system. He creates only in his mind so the system can't get it. If the system knew what he was thinking he would be dead.

Since the movie left out a few of the roles which Bogosian brought to the stage, you might want to read the play itself. Knowing how much we law students have to read, I wouldn't suggest this book unless I thought it could have more impact and be more thought provoking than most of what we are assigned. This is the type of book you'll read in one sitting. There is no chance you will come away without having put some more thought into your own life. It will also become instantly clear to you that Eric Bogosian has established himself as an important voice for our times.

Five Gavels.

Television Review

L.A. Law
Thursday at 10pm

by Mitchell Donner, Joseph Macri and Brian Schwartz

Sex. Money. Sex. Prestige. Sex. Armani Suits. Sex. Fast Cars. Sex. Power. Sex. If you aspire to all this, but feel limited by your wallet, tune in on Thursday nights at ten o'clock to NBC. This is not your usual L.A. Law, the stuff dreams are made of. The new season begins on October 16th, and for those of you who have always wanted to start watching, but were afraid to jump in at the middle, here is a brief recap of the show's characters "in order."

The show takes place in the downtown L.A. firm of MacKenzie, Brackman, Cheney, Kuzak & Becker, where the following cast of characters provide us with an inside view of the successful, albeit chaotic lives of the attorneys in the firm.

Jonathan Rollins is a young black associate who, despite his desire to litigate in favor of minority rights, frequently finds himself defending the other side due to his position, and politics within the firm. He recently found himself a victim of police brutality and discrimination, but was vindicated with the help of the firm's contacts with a certain A.D.A. (more to come). His tenacity and courtroom successes make him a sure bet for partner in the near future.

C.J. Lamb is an English attorney who after battling the firm was invited to become an associate. She always seems to be two steps ahead of everybody's game, and can usually extricate herself from the potentially sticky situations she finds herself in. C.J.'s belligerence has led to some interesting plot twists (see Abigail Perkins).

Tommy Mulaney is a scruffy, down and dirty attorney who was brought in to the firm as a favor to his old friend; C.J.. His abrasive style doesn't exactly mesh with the firm, but his contacts and skill in advocacy have lent him to be indispensable. Don't expect to see Tommy make partner soon, as he and Leland don't see eye to eye on ethical issues.

Benny Stacluz is the mentally retarded mailroom clerk and office boy, whom the firm has "adopted" as one of their own.

Zoe Ciemens, assistant district attorney and ex-wife of Tommy, has found herself in courtroom confrontations with the firm, but has also helped out its members on a more personal level (see Jonathan Rollins), possibly to her own detriment in the D.A.'s office. Michael Kuzak, Grace van Owen and Victor Sifuentes were three of the firm's main litigators who broke away at the end of last season after a power struggle with Leland MacKenzie. Their futures on L.A. LAW are the subject of much rumor and speculation, but don't be surprised to see expectant mother Grace, and her new husband, expectant father Victor, making guest appearances throughout the season.

So as we look forward to the season premiere, everyone had better stock up on videotape and start trying to figure out how to set the damn timers on your VCRs, because you'll probably be stuck in the library on Thursday nights, dreaming of the day when your life imitates this art.

Students' Advertisements are free in the REPORTER classified ad section
Enter Sandman by Metallica

by Michael Popkin

From the moment you hear the opening chords of "Enter Sandman," you will become lost in the world that is Metallica.

The first thing you will notice is the intensity which emanates from the band. The music carries with it an unbelievable amount of power. The band plays as if they were possessed. A friend, who is not a fan, best summed up the sound in one word, fierce. Would you expect anything less from a band which derives its name from their love of heavy metal and vodka?

On August 12th, the new Metallica album, simply entitled, Metallica, arrived in stores and by weeks end it was the number one selling album in the country. For a band that receives almost no radio airplay and has done only two videos to date (one for this album) this accomplishment is extremely significant. The band's success can best be attributed to fan loyalty, which stems from the honesty the band shares with their fans. Choosing to use their own name as the title of their fifth album is a warning to the world that Metallica and their fans will no longer be ignored.

Many people accuse heavy metal bands of being pretty boys incapable of playing their instruments. Those seeking to place Metallica in this category will be greatly disappointed. Almost always dressed in black, with unshaven faces and untamed hair, Metallica will never win a beauty contest. Their image conveys one message, power.

This image is backed by their incredible talent. Guitarist Kirk Hammett's playing is hypnotic, especially on the acoustic song "Nothing Else Matters". Lars Ulrich bangs his drums and Jason Newsted strums his bass with such authority that you'll find your heart pounding to the back bone beat they lay down. James Hetfield, unlike most singers who carry a guitar just to look cool, is a great guitarist in his own right. He sings from his soul, but his voice carries no beautiful tones, only rage. The band's triumphant playing transforms their music into the voice of thousands of angry youths.

While most thrash metal albums sound as if they were recorded in recycling plants, thanks to the help of veteran rock producer, Bob Rock. Metallica's production is crystal clear. The influence of punk legend Glenn Danzig, former lead singer of The Misfits, is quite evident as the music has slowed down and the lyrics are darker. On this album, the band abandons their formula of tying songs together in favor of dealing with each song on its own unique level.

Metallica's music is not for everyone. There is something genuinely frightening about it. The mood is often gloomy and dark, however, there is always the search for an innermost peace. The well thought out lyrics carry either messages or warnings. On "Holier Than Thou," Metallica challenges those who condemn others before giving them a chance. They sing, "Before you judge me take a look at you, can't you find something better to do. Point the finger, slow to understand, arrogance and ignorance go hand in hand."

From questioning their own existence in "Through the Never," to relishing their freedom in "Wherever I May Roam," the music comes from their hearts. The song "The God that Failed," will undoubtedly raise the ire of religious groups, but this will probably only help sell more records.

Metallica and heavy metal's great appeal is somewhat difficult to explain. The music carries with it a stigma which is far from admirable. Its listeners, (who affectionately call themselves headbangers or metalheads, named for the wild thrashing movement of their heads during concerts) have been branded everything from devil worshipers to drug addicts. The music itself has been said to cause teenage suicide. For some metalheads it is exactly these preconceived notions that appealed to them. To be feared is to have power. However, for most fans the appeal is that when they look on the stage they see themselves. Up on the stage, is a band carving out their own place in a world which has spit on them and their fans because of their lifestyle. Metallica and their fans have worlds in common, they dress the same, listen to the same music and like many of their fans, still practice in a garage.

When the whole world is coming down on us and we feel like there is no place left to turn, we all look for someplace to fit in, someplace to escape. For many, heavy metal is this escape. Metallica offers us a way to take all our frustration and hatred and release it. Metallica's music is an electrifying adrenalin rush. After listening to them, your problems may not be gone, but it's doubtful you'll be overwhelmed by them. You may even feel charged enough that you'll confront these problems head on.

While this album is not their best, it is definately their most important. I hope some of you will open up your minds and give this album a chance. Don't be surprised if you don't like it at first, the music has to grow on you. If you decide not to give it a try, I'll leave you with a bit of advice that underlies most of their work. Be honest with yourself. In their own words, "So close no matter how far, couldn't be much more from the heart, forever trusting who we are, no nothing else matters."

Four Gavels.
Music Review

Leo Kottke

by Lome Smith

I had never heard of Leo Kottke. I did not know he had been in the biz for over twenty years, impressing all of those who cared to listen. In fact, when given this disc to review I automatically assumed he was some new package dreamed up by fat, boring marketing farts at Columbia or Warner Brothers.

I'll tell you something, this Kottke character has put together a very listenable piece of work. He is far from that neo-whiney, pseudo-trendy, long-haired preachy REM trash. He is a talent.

Known primarily as an acoustic guitar innovator, this marks Kottke's first all-vocal offering. His voice is reminiscent of Lou Reed, and the music is a kind of folksy/mellow and country/cool that really puts the zip on you.

This is what is called in the biz as a 'conceptual' album. What that really means is that you play the whole thing from start to finish to grasp the overall theme the artist is trying to get across. Now, I am not big on piecing together concepts. I am a law student, and I get enough at the end of the semester trying to piece together an outline from a professor's incessant ramblings.

However, Kottke's music is good to come home to after a day from the exciting world of contingent unsecured leasehold mortgage jurisdictions. His lyrics invoke images out of a film noir classic or a Tom waits nightmare. "Running Up The Stairs," "Great Big Boy," "Driver," and "Pepe Hush" are wonderfully mellow. But they also offer sublime lyrics whose content I have yet to understand. Regardless, this stuff sounds great and good ole' Leo sounds like he is signing about something.

For those of you who care, Kottke has an eclectic group of friends accompanying him on a few of the tracks: Margo Timmins of the Cowboy Junkies; Steve Berlin, of Los Lobos; and Lyle Lovett.

All in all, I highly recommend Kottke's latest disc, especially to those of you with a leaning toward quasi-country and folky hauntingly cool music.

Off-Campus Computer Services

by Seamus Murphy

Students at NYLS have the option of using off-campus computer services. These services can come in handy when all the personal computers in the library are in use, when the library is closed, or when you do not wish to make the trek to NYLS. One such company, Userfriendly, is in the immediate area.

Userfriendly has been in existence for three years and has three locations: 128 West 72nd Street, (212)-580-4433; 200 East 83rd Street, (212)-535-4100; and 401 Sixth Avenue, (212)-675-2255. They have the Mac LC, Mac II and IBM compatible PC workstations, as well as most of the major programs.

Plus, they have laser printers, scanners and training for Wordperfect 5.1 and Lotus 123. They also type cover letters and resumes. You do not have to be computer literate, because Userfriendly has on-site advisors to help you. Service is the one thing they emphasize.

Their prices start at $15 per hour, with a 5 minute ($1.25) minimum. You can buy blocks of hours at reduced rates. They also offer a reduced credit card rate scale.

Another company Key, has been in existence since 1985 and has two locations: 44 West 17th Street, (212)-206-8050, and 146 West 4th Street, (212)-982-3900. Key also carries Macs and IBM compatibles and all of the major programs. In addition, they perform copy, fax, modem and CD-ROM services.

The prices at key start at $10 per hour. (15 laser prints are included free), with a one hour minimum. You can get bulk hours at reduced rates at Key as well. Key accepts both Visa and Mastercard, and is offering a special two-week 10% discount on resumes and cover letters in October. You will need to present a valid NYLS ID to access this special discount.

Both computer services are open seven days a week but their hours vary. For more information you can contact them directly.
Options for That Special Evening Out

by Jamie MacDonald

Manhattan offers some of the most romantic restaurants, many of which lend breathtaking and impressive views. If you are looking for such a place and are willing to spend a few extra dollars on that special man or woman, one of the following may do the trick:

THE RAINBOW ROOM
GE Building, 30 Rockefeller Plaza, 65th Floor (between 49th & 50th Streets) 632-5100

On the 65th floor of the GE Building, the view from the Rainbow Room is spectacular. Seating next to the windows, however, is limited and usually full. Cocktails are served beginning at 4:30 pm Monday through Saturday and until 2am on Sunday. Later in the evening there is a guitarist for your listening enjoyment. The lounge is closed on Sunday. Jacket and tie are required.

WINDOWS ON THE WORLD
1 World Trade Center, 107th Floor, West Street (between Liberty & Vesey Streets) 938-1111

On a clear evening, the view from "Windows", located on the 107th floor of 1 World Trade Center, is like none other. The cocktail lounge is open Monday through Saturday from 3pm to 1am. The last elevator up leaves at 12:30am. After 7:30 there is a jazz trio for your dancing pleasure. There is, however, a $3.50 music fee that will be added to your bill. Sunday, the hours are 3pm-9pm and music begins at 4.

Jacket and tie required.

THE VIEW
Marriott Marquis, 1535 Broadway (between 45th & 46th Streets) 704-8900

On the 48th floor of the Marriott Marquis, located in the Theater District, "there isn't a bad seat in the house" in the city's only revolving restaurant. Usually there is no problem getting a seat at one of the many tables that line the perimeter of the lounge allowing an unforgettable 360° view of the lights and action of Broadway. The lounge opens at 5:30pm Sunday, Monday, Tuesday and Thursday, 5pm Wednesday and Friday, and 4pm on Saturday. A live jazz band performs Tuesday through Saturday from about 9:30pm until closing. (1am Sunday through Thursday and 2am Friday and Saturday). Jackets are NOT required. To get to the lounge take the express elevator to the 9th floor and then "The View" elevator to the 48th floor.

THE OAK ROOM AND BAR
The Plaza Hotel, 768 Fifth Avenue (58th Street) 546-5330

If not too crowded, the maître d' will allow visitors to enjoy drinks in the Dining Room. Although there is no view of the city, the live pianist coupled with the oak-paneled walls creates an atmosphere of elegance and romance. Cocktails are served Monday through Thursday from 11am-1am, Friday and Saturday 11am-3:30am and Sunday midnight. Jacket and tie are required.

Bon appetit!

On Spirits

Ten Inexpensive White Wines to Stock Up On

by the Reporter Features Staff

Fall is usually a time for the heavier reds and roses wines. Yet mercifully, 1991 has given us some truly wonderful and inexpensive white wines. After that long day of toiling over Torts or Con Law, what could be nicer than a romantic dinner with the one you love and a bottle of one of these whites, perfect for reminding one of the great 1989. Rich

and full for a Beaulois. $8.50.

Macon Villages "La Fontain," 1989, Louis Jadot. A typical macon white with good fruit and body. Also a bit more expensive but worth it $12.

Sancerre, Clos Perrier, 1989. The finest of the sauvignon blanc wines in the Loire Valley is Sancerre, with a slightly vegetal, garden fresh taste. $10.50.

Muntn Cordon Rouge Brut, nonvintage. One of the grand old names of Champagne. The wine is medium-bodied with a long finish. $24.

Barrel Select Chardonnay, 1988, Fetzer Vineyards. This major Mendocino winery still manages to turn out top-level wines of boutique quality. $12.

Corton-Charlemagne, 1988, Louis Latour. There may be more powerful, more elegant white wines, but none come to mind. Truly exceptional, but costly. $80.

Quincy, 1989, Duc de Berri. Experts can tell the difference between a good Quincy and a Sancerre. For most of us, the only distinction is price. $8.

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Sancerre, Clos Perrier, 1989. The finest of the sauvignon blanc wines in the Loire Valley is Sancerre, with a slightly vegetal, garden fresh taste. $10.50.

Muntn Cordon Rouge Brut, nonvintage. One of the grand old names of Champagne. The wine is medium-bodied with a long finish. $24.

Barrel Select Chardonnay, 1988, Fetzer Vineyards. This major Mendocino winery still manages to turn out top-level wines of boutique quality. $12.

Corton-Charlemagne, 1988, Louis Latour. There may be more powerful, more elegant white wines, but none come to mind. Truly exceptional, but costly. $80.
Women in Legal Academe
An Analysis of N.Y.L.S. Female Professors and the Tenure Track

by Kate Brady and Liz Ames

There is a noticeable lack of women faculty members at New York Law School. Of the 142 full-time faculty, only 43 are women, or a mere 30%. Although roughly 1/3 of the faculty might seem a heartening number to some, when the numbers are broken down, the figures quickly become dim.

Of the 43 full-time faculty, four women have tenure, only 7% of the tenured faculty. However, the number of women faculty members began to expand as the teaching positions become lower-paying and less prestigious. Women are 30% of the adjunct faculty and an almost overwhelming percentage of the writing adjuncts at 57.5%; neither positions are tenure track positions.

Writing teachers are the gypsy scholars of academe, often commuting between second and third jobs, and they tend to be contracting positions, providing little security and even less of a voice on institutional policies. Seidman do they lead to more permanent teaching positions at the law school. According to a University of Pennsylvania law review article, "The Hiring and Retention of Minorities and Women on American Law School Faculties" (Dec. 1988), "The dramatic appearance of large numbers of women in contract legal writing positions suggest that a historically typical women's job pattern is emerging. The data gathered for the law review article suggested that law schools may be tracking women who are qualified for regular teaching positions and instead putting them into the slots for legal writing positions or clinical work. By doing so, women do not gain stronger footing in legal institutions. N.Y.L.S. has recently hired two women to head clinics here but in academia, clinical positions lack prestige and have traditionally paid less than teaching substantive courses, according to the University of Pennsylvania article.

A tenured position, in contrast, offers financial and academic security as well as a certain measure of success in academe. In addition, deans and other administrators are drawn from the full-time and tenured ranks, leaving few women faculty at N.Y.L.S. eligible for such positions. To date, nine women are on the tenure track at N.Y.L.S. Professor Carlin Meyer states that traditional arguments for lack of tenured women or women on the tenure track at N.Y.L.S. focus on a lack of women in the candidate pool. However, 20 years ago when Professor Meyer attended law school she was at Rutgers University was composed of 43% women and she remains unsatisfied with this explanation. Accordingly to Prof. Meyer, it is no excuse to say that there is a sufficient number of women role models among the women faculty when nearly 50% of the student population at N.Y.L.S. is female.

Professor Meyer also discussed the dearth of tenured and full time women faculty in terms of its impact on society at large. The Feminist Majority Foundation recently reported the good news that women will eventually reach the top of America's corporate ladder. The bad news is that "it will be 475 years- or the year 2466- before women reach equality with men in the executive suite." (Labor Law reports, No. 426, Sept. 17, 1991).

Professor Meyer addressed the issue of why the number of women faculty should matter.

(Continued on the following page)

Marching Down Fifth Avenue

by Liz Ames

In defiance to Operation Rescue (OR), pro-choice advocates marched down Fifth Avenue to show the strength of New York's abortion rights movement on Sunday, September 29th. OR members intended to protest abortion by forming a human cross on Fifth Avenue which intersected with 34th Street in midtown Manhattan.

The New York Times (Sept. 30, 1991) reported that the cross was sparse in places, with gaps from eight feet to several blocks, and was composed of OR members standing in silent prayer, holding signs aloft, or fingering rosaries. In the article it was stated that 1200 abortion opponents formed the cross.

The chanting and lively pro-choice marchers contrasted sharply with members of OR who stood mute and one-deep along Fifth Avenue holding identical white placards stating "Abortion Kills Children." The chanting and lively pro-choice activists chanting such slogans as "New York is Pro-Choice" and "Keep Your Rosaries Off My Ovaries." A few incidents between the two groups erupted when abortion activists held coat hangars, twisted into crosses, over OR members' heads and shouted, "Shame! Shame! Shame!" or "Right-to-lifers, your name's a lie, you don't care if women die!"

Members of the media

(Continued on the following page)

A Taste of the Evening Section

by Jennine Gerrard

Church Street is lonely after dark. As I make my way to the station- deserted but for a few characters even sculptor in their appearance than I in my crumpled suit, I am reminded what it is to be a Night Student. Last year at this time, I began my days chatting convivially with my compatriots, nestled in the alcoves on Worth Street. I used to just sit and smoke, drinking coffee and feeling like a student, immersed in my studies and my purely theoretical knowledge of law.

Now the Student Lounge is my fluorescent oasis. I scan it carefully every evening, yearning to see a recognizable face. I don't know any of my classmates in the evening section, mainly because we don't have the time to stop and talk to each other. We crowd in at 5:35 exhausted with our briefcases and requisite brown folders, which bespeak our chosen careers.

Slumping into chairs, we stare at the clock, wishing we could be eating dinner and watching the news, knowing that sleep and food are lightyears away.

While I long for my old comrades, among the strangers there is a closeness among a group of people who knew what Hell was ahead... and chose it anyway.
Meet a Mentor

The Legal Association of Women Sponsor a Gathering of Students and Female New York Law Professors

by the Reporter Features Staff

The Legal Association of Women (L.A.W.) held an informal afternoon gathering on September 24th called "Meet a Mentor! Meet N.Y.L.S. Women Faculty" to introduce new recruits to present members and to provide a forum for students and women faculty members to meet one another.

About thirty students, male and female, joined five professors for wine, fruit, cheese and crackers in the 5th floor faculty lounge. Liz Ames, co-chair of L.A.W. with Ellie Proctor, LA.W. with Ellie Meyer. Proctor, UP, and the ACLU's Reproductive Rights Project. Baird declared, "No woman should ever be made to suffer because of the bigotry on the other side."

[Liz Ames has been the Director of the Mendik Library for the past eight years. In addition to her work in the library, she developed and taught the course Advanced Legal Method. Four years ago she began teaching Legal Method for IL's, and this semester is instructing Tort Law. Professor Saltalamacchia's interests lie in legal research and she has published a number of student/teacher manuals for teaching Legal Method. Her work is now in its third edition and is used by law schools across the country.

Finally, as the last speaker and newest faculty member at New York Law, Professor Linda Keenan described her work in environmental law before coming to teach Property Law this semester. Next semester she will be teaching Administrative Law and Environmental Law classes. Professor Keenan's interest also lie in Family Law and she has published several articles regarding custody litigation and child kidnapping.

Write for the Paper!

She pointed to their impact on how law is "defined, refined and carried out and said that an increase of women would affect school policies in such areas as maternity leave and sexual harassment procedures. The policies are difficult to implement when one is a minority, said Meyer.

The first step toward tenure is being hired. Of the most recent hires at N.Y.L.S., a majority are women. This indicates that N.Y.L.S. is moving in the right direction. However, whether or not these women are tenured remains to be seen.

[This article is first-hand account written by features Editor Liz Ames, who participated in the pro-choice march on Sept. 29th, 1991]
The basketball season opens November 1st, and Knick fans finally have possibilities to look forward to after a dismal past season. The Knicks haven’t had a winning attitude since the days of former coach Rick Pitino when the team won 52 games in the 1988-89 season. Hopefully the knickerbockers will be winners with new coach Pat Riley, and the trade acquisition of small forward Xavier “The X-Man” McDaniel.

Riley has the all-time winning percentage of any NBA coach, leading the Los Angeles Lakers to four of their championships during the 1980s. McDaniel has proved himself to be a tough competitor who can rebound and score 15-20 points a game. The X-Man is perfect for Riley’s system. Riley likes the running game and believes that the small forward should get the first look every time down the court. McDaniel is the go-to guy the Knicks have lacked for such a system.

With McDaniel alongside center extraordinaire Patrick Ewing, and power forward/intimidator Charles “Oak” Oakley, the Knicks should have the most feared front court in the league. The back court, on the other hand, is questionable.

Mark Jackson and Gerald Wilkins will probably be the starting guards on opening night. Less certain is who will be starting thirty games down the road. Mark Jackson flourished under Pitino’s running game. He is a leader who can distribute the ball well, but has proved himself inconsistent, egotistical, and slow on defense. Gerald Wilkins, the athletic 360 degree slam dunking monster provides a spark for the team, although he may not have the court sense to realize it. He rarely passes for the easy basket, and sometimes couldn’t hit the side of a barn with his jumpshot.

The guard bench is solid. The Knicks are high on John Starks, a recent CBA pickup who played a half-season with the Knicks, his only tenure in the NBA. He has the potential to do it all at either guard position, but has not yet proved consistency at the NBA level. Craig Anthony, the recent draft pick out of UNLV is an excellent defender and has potential, but 6 foot 2 inch rookies rarely make an impact. The Knicks may also sign 6-4 guard Carlton McKinney. He averaged 22.8 points a game in Italy last year and is an excellent perimeter shooter. McKinney, however, has not proven an ability to create a shot off the dribble or distribute the ball while penetrating.

The front court bench is decent. There is talent at small forward. Kiki Vandeweghe is the best pure basketball player on the team, but at thirty something and with a tender back, the often injured former all-star would not start on most teams. Brian Quinnett has potential to be a threat from the outside, but he has a lot to learn in his third year. The Knicks bench will be very different at center and big forward. The Knicks released both backups from last year. Center Eddie Lee Wilkins left to play in Italy. Forward Kenny “Kiki” Walker was a phenomenal college center, but came up lame as a forward in the NBA. Because of his great leaping ability, he never bothered to learn how to box out, play facing the basket, or shoot a ten-foot jumpshot. The bigger bodies in the NBA turned him into an air-ball chucker. To fill the void at backup center, the Knicks traded for seven-foot, 240 pound Tim McCormick. Yes, he is stiff, but he has experience and will only need to play 12 minutes a game while Ewing rests. Walker’s spot is now filled by training camp standout Anthony Mason, a 6-7 260 pound 24 year old, who was not given a chance by two other NBA teams that claimed him. He is incredibly fast for his size, and he will make as big an impact as Barkley’s back-up. Riley was so impressed that he declared Mason a team member.

This leaves the final two spots on the team to be competed for by Quinnett, Basnight and McKinney.

If Riley can instill a winning attitude, perhaps the Knicks can get past the first round of the playoffs. Riley’s biggest asset is his ability to tame huge egos into team spirit, as he demonstrated with his all-star Laker teams of the past. Teamwork may get the backcourt into better than average, which is all that is needed with the Knicks frontline.

Obviously, the most important factor to the Knicks success this season is the performance of their all-star “franchise” center, Patrick Ewing. His contract dispute this summer that led to arbitration surely has left a bitter taste in Ewing’s mouth, as well as the Knick front office’s and the fans.

When the Knicks signed Ewing as the overall number one pick in the 1985 draft, the terms of his contract gave him $32 million for 10 years of service. Ewing had an escape clause that provided that if he wasn’t among the top four highest paid players in the NBA after June 1 of his sixth year, he could file for free agency, and therefore listen to offers from other teams the following year.

The term for salary used in the clause was “present compensation.” As of June 1, 1991, only three players received a base yearly salary higher than Ewing. However, Larry Bird is going to be paid over $7 million this season due to a deferred signing bonus, although his base salary for the year is lower than Ewing’s.

Ewing, with the help of his attorney David Falk, claimed that he was entitled to free agency since Bird will be paid more than him, knocking him out of the top four salary spots. The Knicks, the NBA abd just about anyone else with an opinion on the matter, thought “present compensation” clearly meant base salary for the year and did not include a deferred signing bonus from previous years. Besides, since New York is one of the biggest basketball markets in the world, the NBA wants Ewing to stay here because he sells the tickets and is very personable. Hence the NBA and New York get richer. Ewing didn’t stand a chance of winning his arbitration on the issue.

However, to avoid the whole issue and keep Ewing happy, the Knicks had earlier offered Ewing a new contract, worth $33 million for the next 6 years which would have made Ewing the highest paid team athlete in the world! Falk should have strongly suggested to Ewing to take the money because arbitration success was doubtful, and it would look like Ewing was rejecting New York if he didn’t take it.

With the salary cap, which doesn’t allow any team to be paid more than a total of $125 million, no team could, should or would pay Ewing that much money. He should have simply accepted the first offer and and requested a trade in private. Then, he could have claimed whatever was left of any salary cap on another team, and taken a deferred signing bonus, just like Bird.

How will Ewing play this season? Will he mope, being booted and wanting more money? Or is a quality small forward all he wanted? Maybe he just wants to win, and didn’t think that was possible with the Knicks before they traded for the X-Man.

For Ewing’s best interest, he ought to fire David Falk, forget about losing in arbitration, ask for a raise, and play his hardest under Pat Riley. Then perhaps New York can win again. If Ewing wants to be a baby, then he can be traded for some major talent. Ewing and the Knicks both realize that this is not in either’s best interest. Hopefully Riley can do what he’s best at and smooth everything out, and just win some games. Why not, maybe the recent addition of cheerleaders will make the games more enjoyable.

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New York Law School Represented at ABA Fall Round Table

by Glenn Miller

The Annual Fall Round Table of the Law Student Division of the American Bar Association, representing the interests of law schools along the Eastern seaboard, met in Washington D.C. the weekend of September 27. The conference settled several items for the Second Circuit, and renewed the ties between law school leadership in the Northeast. Among items decided at the Conference:

* The annual Spring conference to elect the new division governor was set for New York city.
* A newsletter to keep Second Circuit (state of New York) law schools in touch was launched.

ABA/LSD members (anyone who has filled out the ABA/LSD membership application and mailed their $15.00 check) may mail articles concerning law student concerns and the ABA to Mark Zaid at Albany Law School, or give the articles to Glenn M. Miller, the New York Law School Division Representative. Articles should preferably be in Word Perfect on either floppy or 3.5" disc.

• Evening students will be asked to fill out an information form for the LSD/ABA. These forms, sent to the LSD representative on campuses, were approved for multi-copying and distribution to evening students.

• A committee to address the problems of evening students is being formed under the aegis of Cheryl Forbes, the current Vice-president of the LSD/ABA, and an evening student herself.

• The bureaucratic delays in having membership subscriptions mailed by the main office in Chicago was addressed. At the New York Second Circuit meeting, nearly every school voiced its concern that students were sending checks, yet not receiving their subscription to the Student Lawyer until much later- often the delay was as long as 10 weeks! The official response was that all complaints or inquiries must be made in writing, or Chicago, which is inundated daily with calls from law schools across the country, simply can not address the problem.

Glenn M. Miller, New York Law School Division representative to the American Bar Association and Lieutenant Governor for Resolutions, proposed and had adopted an agreement that any resolution emanating from one law school be sent to other law schools for discussion and support, before the annual national convention of the American Bar Association. Lieutenant Governors for Resolutions from other circuits representing Washington D.C., Pennsylvania, Virginia, Maryland, Massachusetts, Connecticut, New Hampshire, and Maine), adopted the idea, pledging to send resolutions from their circuits to other circuits before the Spring Conference meeting.

• The meeting of the Lieutenant Governors for Resolutions also stressed that students whose resolutions are placed on the annual convention agenda would be represented by the Division representatives from their law school who would act as advocates.

• The Second Circuit, representing the law schools of New York State also clarified, through Robert Wachtel, access to making resolutions before the Law School Division of the American Bar. Wachtel stated that resolutions, which may range from a statement on world affairs to adjusting the by-laws of the American Bar Association in areas like non-discrimination, hiring, or grade reporting, may be placed before the national convention in three ways.

ANY individual who is a member in good standing of the Law Student Division of the American Bar Association may propose a resolution directly through their ABA/LSD representative, or by forwarding it directly to the Tracey Giles, President Elect of Law Student Division. Resolutions may also be printed in the resolutions book of the annual ABA/LSD convention after being approved in the annual Spring meeting of the Second Circuit.

Finally, resolutions may be approved for inclusion on the annual meeting of the ABA/LSD by prior approval by other circuits. Resolutions must be set in proper form, and must be received by the Circuits no later than February 1, 1992 in order to be considered at the Spring Meeting.

New York Law School representative Glenn M. Miller has brought a resolution requiring professors to provide their students with information about individual performance in a course before the course ends. This resolution has met stiff opposition from law schools where there is no grading by the curb.

• Other resolutions by the New York Law School representative include 1) open, non-GPA or class rank interviews for on-campus interviewers as is done at Georgetown School of Law 2) a tax credit for payment of loans by those law students entering public interest law (which was reworded and adopted in altered form by another circuit) 3) a crime victim's rights resolution, asking state and municipal governments to reimburse crime victims who appear in court at the same rate as jurors.

Thus the easing of resolution adoption at the Fall Round Table may smooth the adoption of the resolutions proposed by New York Law School Representative. The one area of agreement among all the law schools: try to get students to get involved and stay involved with the American Bar Association!

ABA Law School Division Information

by Glenn Miller

On campus, students should find available brochures with a "Mentor" logo explaining the advantages of membership subscriptions to the Student Lawyer, the ABA Journal, eligibility for group health insurance, one time fee credit card application, PMBR [multistate bar review] discounts, eligibility for national ABA offices, and national Client Counseling and Appellate Advocacy competitions. Student members also can enroll in membership in areas of their specific legal interest. The subscription to one of the magazines alone is well worth the $15 membership dues.

The most important benefit from ABA membership is the connection with the national network of attorneys and judges and the issues facing our profession
October & November 1991
at New York Law

by Patrick Hayes

October

Oct 17- Legislative Monday. Student Services and the Law Enforcement Students Association will co-sponsor “Drugs in the Workplace,” an educational presentation by Lt. James J. Bradley, Commanding Officer, Special Projects Unit of the Narcotics Division. FDR, 4:30-6pm.

Oct 18- The Black Law Students Association will sponsor the Outreach program. Students from inner-city high schools will be invited to the law school for an introduction to the study of law.


Oct 22- Career Services panel on in house counsel beginning at 5pm, faculty dining room.

Oct 24- Legal association of woman’s panel discussion on woman victims rights from 5pm - 7pm, faculty dining room.

Oct 25- NAJP/NAPIL public interest law career fair at Georgetown University; see career services for more info.

Oct 29- Black Law Student Association and Jewish Law Student Association co-sponsor a panel discussion on the Crown Heights incident from 5pm - 7pm, faculty dining room. Speakers: Gary Bird, WBLI Radio; Eutrice Leid, Editor of the City Sun; Colin Moore, Attorney; C. Vernon Mason, Attorney.

Oct 30- Alternatives to law Practice Panel Discussion. FDR, 5-7pm. See Office of Career Services for more information.

Oct 31- SBA Halloween Party. 7pm in the Student Lounge. Prizes for the best costumes.

November

Nov 5- The Sports and Entertainment Law Society will sponsor a program on attorneys as agents in the FDR at 5pm. Speakers: Barry Klaeburg, Deloit & Touche; Cal Ramsay, New York Knickerbockers; Willis Reed, New Jersey Nets; Lloyd Friedland, Librett, Friedland & Liberman; Craig Feneck, The Sparta Group.

Nov 21- SBA will sponsor a party in the student lounge. 5:30pm.

Nov 26- The Legal Association for Women will sponsor a discussion with Barbara Downs, an advocate of legalizing prostitution. FDR, 5pm.
The Reporter apologizes for the number of grammatical, spelling and layout errors that were present in the last issue. With the introduction of our new computerized system, there were bound to be some mistakes, but we take full responsibility for all that occurred, and give you our promise to work harder in the future.

We also apologize to any author who feels he or she was misquoted, or not given credit. The Reporter takes all of its contributors and their submissions very seriously, and we again promise to work harder on future issues to avoid such errors.

Talent is a flame, Genius a fire.  
-Bern Williams

The shortest period of recorded time lies between the minute you put some money away for a rainy day and the unexpected arrival of rain.  
-Jane Bryant Quinn

Reason deceives us; conscience, never.  
-Jean Jacques Rousseau

The past should be a springboard, not a hammock.  
-Ivern Ball

Wit penetrates; humor envelops. Wit is a function of verbal intelligence; humor is imagination operating on good nature.  
-Peggy Noonan, What I Saw at the Revolution (Random House)

The glory of great men should always be measures by the means they have used to acquire it.  
-La Rochefoucauld

Nothing in fine print is ever good news.  
-Andy Rooney, on "60 Minutes," CBS

Ability will never catch up with the demand for it.  
-Malcolm S. Forbes

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Have you seen these people? Alex Lee, age 23, Ht. 60, black hair. Beverly Chau, age 25, Ht. 56, long black hair. Both last seen in Ethics class on 9/5/91.
Crown Heights- One Perspective

by Cheryl Williams

Last week, I felt some wariness after accepting the Reporter's request to give one perspective on the Crown Heights affair. In this my debut offering to the newspaper, I neither wished to be sidelined into the background nor to be misunderstood. However, it was a responsibility I could not ignore. To understand how the Blacks of Crown Heights felt, I interviewed several residents including Thaddeus Owens, longtime community activist, and son of Justice Owens of the Yosef Hawkins trial fame.

The Crown Heights affair was an inner city crisis waiting to happen. All agree that the death of Gavrin Cato was only the catalyst to an internal malaise that affects so many of our communities. It will recur unless the underlying causes are remedied. It has to be understood against the larger background of a plural society in which settlement, status, the acquisition of resources, and the responses of the groups and the responses to the group are so often determined by race and class.

The society has not yet worked out the modalities for proper coexistence and cooperation among the groups, although this is the stated goal. Add to this the problems of inner city decay, intensified by the present recession which has hit the poorest groups the hardest, and you will sense that feeling of a community embattled and under siege.

Crown Heights is a striving community of Black Americans, older Caribbean immigrants, first generation Americans, Hispanics, and roughly 10% Hasidic Jews. Many see it as a stop on the way to a more affluent neighborhood, but there are many who will not run. These include a black middle class, the Hasidims, those with nowhere else to go, and the numerous community organizations who daily face the challenge of building and rebuilding their world. There is an important sense of community. The Hasidims also strive to build a community within that community. Both visions have clashed.

In attempting to explain why, Owens resisted that the desirable goal is for cooperation and coexistence, but black distrust arises from the very nature of the Hasidim community. It is a closed, exclusive, religious community with a collective communal system. It may very well be that the beliefs of the community genuinely demand exclusivity, but the wider group unschooled in that belief and made sensitive by years of being excluded itself, is it a bitter irony that in a community in which it is a majority it again feels that exclusion. This is conducive to interpretations of racism.

I asked Owens if attempts had been made by both groups to build bridges. Yes, there have been attempts but they have failed because of the distrust fed by the exclusivity and cultural misunderstandings. Hasidic and black leaders did set up some integrated community patrols, but the failure of the Hasidics to disband their own patrols only increased the distrust. More than ever gestures of cooperation are imperative now if the descent into immutable hatred is not to occur, but Blacks are too pained by the circumstances surrounding Gavrin’s death and Hasidim by the death of their member. All agree that they must be made to happen. Yet for Blacks it requires more than gestures. What Owens describes as the perceptions of inequities and preferential treatment of Hasidics over Blacks must be addressed, for this is the largest single source of the rage. Blacks complain that they are treated as second class citizens in comparison to the Hasidics. They point to differences even in the collection of trash. The basic distrust of the Blacks of a legal system which seems harsher to them and less responsive to their needs is borne out (they feel) daily in Crown Heights. Police respond less swiftly to calls for help from Blacks. By comparison, they claim that the Hasidics seem a law unto themselves and appear to have tremendous influence over the law. Ten years ago the Grand Rebbe was apparently threatened by a rival sect. Today he still has a police escort. Blacks question why the police were more concerned about ferreting the Hasidics to safety, than removing trapped and dying children from under a vehicle. In the recent crisis of 167 Blacks were arrested and no Hasidim was arrested when Jews sides threw missiles. Many Blacks say they are not surprised by the Grand Jury results. They remain convinced that the incitement requirement for the indictment has been met for the driver was speeding and he also ran a red light.

Owens claims that another perception is that the Hasidim have a political clout far beyond their numerical strength. Owens seems puzzled about how the Hasidim Jews were able to acquire certain buildings which Blacks have long sought. The options, he argues, should have been open to the public, especially in a community with dire needs for housing. This new housing is exclusively 100% Jewish. Because of the need to be within walking distance of the synagogue, the Hasidim have been quick to purchase property in the locale. Many Blacks have felt insulted by persistent propinquity of the homes which they are unwilling to sell.

There is another perception among many Blacks that the political administration continually fails to address the problems affecting them — many of the problems of poverty and not race. And this continues no matter who is in charge. There is a widespread feeling of political disenchantment. It is the reaction to David Dinkins which is most telling. Many of the black elected officials are seen as unwilling or impotent to do anything to remedy the root causes of the distress, even though they garnered votes by articulating that distress. The talk of the gorgeous mosaic sounds vacuous, empty placebos in communities reeling in disorder.

Finally, many in the community feel embittered by the media’s handling of the events. Only a few attempts were made to analyse the root causes of the crisis. It was easier to raise a spectre of black racism, as if that absolves the society from any responsibility for what happened. Some also feel insulted by the media’s apparent attempt to define who are the best leaders for Blacks.

I agree with William Pleasant in his excellent essay on the crisis that the Black-Jewish confrontation is a structural political issue. He traces the decline of Black-Jewish unity to several factors, including differences in class mobility, the decline of the Civil Rights reform movement, and the failure of the Democratic Party to wield its multicultural parts into some cohesive whole. I will include the failure of true multiculturalism. This is the kind of analysis which will help us all, rather than histrionics or race baiting on all sides. The level of the debate must be lifted, for in the end all groups legitimately belong to these communities, and the mechanics for equitable and meaningful co-existence must be developed.
Problems with the SBA Senate's Budget Allocation Process

by Joseph D. Brennan

Recently, the SBA Senate has been deliberating over the budget requests from the various student organizations. Senators enjoy the privilege of allocating the money collected through the Student Activities Fee, which each student at NYLS pays each semester. As a libertarian, I object to the financing of the student organizations through the forced collection of money.

Within the NYLS community, the Student Activities Fee is, in effect, a form of taxation. Like all forms of taxation, it is immoral. Money is expropriated from students without their consent. The pretense of electing student Senators, who in turn, based on consents to spending it on any activity, except emotionally painful for women, one that will echo eliminated and that students pay financing discrimination suit is a time-consuming, expensive and emotionally painful proceeding. In the 1970s, as the first woman professor at the university's department of criminal justice, my mother filed one of the early discrimination suits for sexual harassment and sexual discrimination.

The state's commission on discrimination found probable cause. So did the EEOC. My mother also won at each stage of arbitration. However, the university simply failed to implement any of the remedies ruled on in arbitration. Forced into the courts, she eventually ran out of money. After being fired, she was blacklisted and unable to get academic positions.

Since my mother's case, sexual harassment and sex discrimination have become more public issues. However, it has only been five years since the Supreme Court chose to recognize a hostile environment at the work place. I marvel that so many of Hill's detractors so blithely say that she should have filed a claim-- a 25 year old female against her male boss who headed the EEOC, an appointee of the President of the United States. Hill is fortunate to have tenure at her law school; I doubt her "whistle-blowing" would have garnered her votes at her tenure review in Oklahoma.

I wonder if Prof. Hill would have been received with less skepticism if she had instead alleged racial or ethnic harassment. Was her credibility threatened partly because of the nature of her claim, sexual harassment, an act which victimizes women? To her detractors, I would ask how many of them have filed complaints, or confronted bosses who made racial slurs, antisemitic remarks, or offensive ethnic jokes.

Hill's detractors also express great faith in the reporting of sexual harassment. Perhaps that is because so few of her detractors have had to travel through the byzantine process of asserting a sexual harassment claim. To deride Hill, detractors recast her alleged harassment as "jokes", "humor", and "suggestions" and failed to define it as "obscenity", "violence against women" and "sexual slurs." Until discourse about sexual harassment develops, violation of women will continue to be trivialized.

All in all, voting Thomas into the Supreme Court when he had such credible allegations launched against him, when his record shows so little support for women's rights, and when his integrity is highly dubious is like having a fox guard the henhouse.

A Fox Guarding the Henhouse?

by Liza LaRousse

Confirmation of Clarence Thomas is a resounding defeat for women, one that will echo throughout the work place. As the senate voted Tuesday night, America watched as 98 men voted while only two women did. The vote is a vivid reminder that until more women are elected into political office our laws, perception of women, and women's rights will not develop.

One tactic used to undermine Hill's credibility was to focus on her failure to report the alleged harassment. Filing a discrimination suit is a time-consuming, expensive and emotionally painful proceeding. In the 1970s, as the first woman professor at the university's department of criminal justice, my mother filed one of the early
From The Evening Division V.P.'s Desk:

Purely Personal Prejudices

by Jack T. Frohlich, NYLS Evening Division Vice President

The evening division of the SBA is here to help you with your problems, concerns, wish lists, etc. Check the office any day before 6pm. Either Glenn Miller or I will usually be there before class. If you have a specific problem or request, just leave a note with your name in it in the SBA mailbox, or slide it under the SBA Office door. I’ll do what I can to help you out.

An evening division gold star to the Office of Career Services for setting up an evening student’s information table. The table will be in the student lounge every Monday from 5pm to 5:45pm.

A personal thank you for those responsible for presenting Professor Blecker’s play “Vote No” during the September 15th Carnival. The play was entertaining and informative, and the discussion afterward with Professor Blecker provided me with a much clearer understanding of how the Constitution and the Bill of Rights were passed, and the politics of the times.

Kudos also to the Reporter for the best issue I have seen in the more than two years since coming to NYLS. Keep up the good work.

Last month’s column “The Right at Night” by Tom Smith distorts and misrepresents what it calls liberal politics and thinking. It implies that only criminals supported the precedents of “Justices Marshall, Brennan & Co,” and the consistent judicial decisions regarding personal rights are important only to criminals. The steering tone and the specious arguments were beginning to make me angry when I realized it must have been a spoof. Good job Tom, you really had me going.

One of the functions of the court is to protect us from the misuse of state power, including police power. During last year’s term the Supreme Court issued a number of decisions in the criminal law area that weakened those protections. Fulminant, now allows coerced confessions. Bostick allows the police to board buses and ask passengers to consent to a search without suspicion of criminal activity, and McLaughlin allows police to jail someone for 48 hours without showing probable cause. Keep in mind that these new rules apply to you as well as the “criminals.” If you are on a bus or happen to find yourself near some activity that requires a police presence, you don’t have a sign on that makes you exempt.

SBA Evening Division Vice President Jack T. Frohlich has agreed to write a column for each issue of the Reporter. V.P. Frohlich joins our other distinguished Evening Division columnists, Tom Smith, who pens the “Right at Night” column.

The Reporter continues its attempts to reach out to the Evening Division, in an effort to address the needs and concerns of the night students. We also hope night students will feel they have equal access to the Reporter, and we urge every one of them to write an article for the Reporter.

Some National Law School Statistics

- The number of law schools accredited by the American Bar Association (1989-90): 175
- The number of J.D. law students (1989-90): 124,471
- The number of white law students: 108,751/87.4%
- The number of minority law students (not including Puerto Rican schools): 15,720/12.6%
- The number of black law students: 6,791/5.5%
- The number of Latino law students: 4,663/1.3%
- Puerto Rican: 483/0.4%
- Other Hispanic: 2,580/2.1%
- The number of Asian-Pacific Island law students: 3,176/3%
- Number of men: 71,358/87.3%
- Number of women: 53,113/42.7%
- The number of tenured or tenure-track faculty members (not including minority-operated institutions): 425 (7%)
- The number of minority faculty members: 1,158 (26%)
- Percentage of law schools with no minority faculty members (1986-87): 26.4%
- The number of tenured or tenure-track Latino law professors (not including Puerto Rico), 1989-90: 51
- The number of U.S. law schools with at least one Latino faculty member (1989-90): 34
- The estimated Latino population of California: 8.8 million
- California law schools with 50 or more Latino students but no tenured Latino faculty members (1989-90): 7
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- The estimated Latino population of Florida: 1.6 million
- The estimated Latino population of California: 8.8 million
- The estimated Latino population of Florida: 1.6 million

Sources:

A Passage to Ponder...

“Marshall, Rehnquist’s stark revisionism often seemed crude and mean spirited. Marshall insisted on looking beyond Rehnquist’s apparently sincere literalism to the motives of the man who had nominated him to the court. Marshall viewed Rehnquist’s nomination cynically as Nixon’s calculated revenge designed to curtail liberty for the less fortunate and underprivileged…”

“The prospect of living out his remaining years on the Court with Rehnquist did not please Marshall. He was particularly chilled by Rehnquist’s warning that the liberals should curtail their broad interpretation of the Constitution. It was only recently that activist on the Court had become “liberal” activism, rehnquist reminded them. Only 40 years before, the Court’s activists had all been conservatives. The balance was once again shifting back, Rehnquist said. Once it had, the liberals would be the ones calling for judicial restraint, and chiding conservatives for ignoring precedent.”

Fighting the Symptoms but Not the Disease

by Lou Taubman

We are now almost a decade into the war on drugs and it seems as though there has been very little progress and several severe side effects. This is because the government is misallocating our tax dollars by treating a problem which is social and economic in nature as a criminal problem. While I do not dispute that many aspects of drug control require police enforcement, treating the entire drug problem in the U.S. as one of criminal enforcement severely overburdens the criminal justice system by treating the symptoms of the problem and not its cause.

No one will deny that the symptoms of the drug problem are terrible. Increased criminal activity to feed dangerous addictions are a severe problem. However, by concentrating funds and man power on locking up addicts and dealers we are fighting the symptoms of the serious social problems such as the lack of education and opportunity for our impoverished inner city populations, while not attacking the root of the problem.

If our government truly wants to curtail the drug problem in our inner cities and the crime that goes with it, more funds should be given to education and social services. If these root problems are ignored, children growing up in our impoverished areas will not see any alternative to a life of crime or addiction.

A person who grows up in a system which gives him no reasonable method to advance, will not respect that system or its laws and will look outside the system to better his or her economic position. Our system however goes one step further. First we cut off legal means for economic advancement by shortchanging our education system and then we put extra towards arresting these people, which further alienates them from our society.

Furthermore we do not only impose this stigma of criminality on those who supply the drugs, we also stigmatize the addicts by branding them as criminals as well. This is interesting since most experts agree that drug addiction is a physical problem and not one involving free choice. Moreover on the average it costs three times as much money to build and staff rehabilitation centers as it does jails. Add to this the fact that most people who attend jail will be let out only to return at some future date and the costs of imprisoning the real victims of the drug epidemic become clearer.

In an era where violent crime is up it is no wonder that politicians want to appear tough on crime. However, there comes a time when we as a society must determine that a proposed solution to a serious problem has failed. We must determine why the solution has failed and find a better one. The war on drugs has failed because we looked for short term solutions to long term problems. I applaud the efforts of those people such as Nancy Reagan who stressed education as a solution. The drug problem is a socio-economic problem and not a criminal problem and should be treated as such before it gets worse. Let's use our brains as well as our brawn.
On the Right at Night

Profiles in Cowardice

by Thomas Smith

"Hiding in the bathroom until it's over" is the advertising theme of one successful car manufacturer. Despite begging and pleading from his wife and a local fireman - poor "Danny the Car Salesman" refused to come out. Danny's libation reminded me of potential Democratic presidential candidates. Did Danny have company?

With that in mind, my sources have taken to watching bathroom doors at the headquarters of the Democratic National Committee. Reports of the DNC Chairman, Mr. Ron Brown, making numerous trips to the DNC's executive washroom conjured images of yet another successful commercial which poses the somewhat embarrassing question, "Do you suffer from... irregularity?"

By now, poor Ron must be imagining the standing-room-only crowd Ron must appeal to: Gov. Mario Cuomo, who managed to outvote Sen. Bob Kerrey... Sen. Jay Rockefeller wasn't afraid to drop the hammer... Rev. Jesse Jackson, finally gainfully employed, is juggling his talk-show schedule and duties as "shadow-senator" (whatever they are)... Ron is trying to explain to Gov. Bill Clinton it's a Dems only restroom; rumor has it the DNC is suspicious of the Gov's Democratic Leadership Council (now that's a contradiction in terms) which espouses welfare reform, tax breaks for the middle class and strong defense.

Despite begging and pleading, Ron can't coax a viable candidate out of the DNC out-house to run in '92. And when he wasn't watching a few slipped out the backdoor: Gov. L. Douglas Wilder so eager to squash the Thomas nomination to the Supreme Court that his Catholic-bashing was heard from here to Rome and back; someone forgot to tell Doug that Catholics vote, and that Thomas isn't even Catholic. Sen. Tom "Testosterone" Harkin says, "President Bush has feet of clay" and, get this, he "intends to take a hammer to them" - cruel and unusual punishment Tom? Why does Democratic hopeful Paul Tsongas think his party can't win the White House? Because, he says, "the country doesn't trust us with the economy - and they're right." In my view, accurate enough. How does Tsongas plan to change this perception? Beats me, but recently when proposing a new Marshall plan to aid the Soviet Union he said, "The issue is not whether we can provide aid, we must provide aid." Sounds like spend now, worry later economics to me. Keep up the good work guys, with this kind of talk President Bush won't be filling out change-of-address cards anytime soon.

On a local note, "Mr. Mayor" Dinkins, in between sets, reminds us that he can't solve New York's problems alone. Considering the growing number of resignations by his own appointees, he may have to have anyway. The latest: Cry-Baby-Quitter #1 - Remember homeless advocate Nancy Wackstein, the relentless attacker of former Mayor Ed Koch's housing policies? "Mr. Mayor" appointed her to head the Office of Homelessness and Single Room Occupancy Services to show Koch how it's done. What happened? Less than two years later Wackstein decided she couldn't take the heat in the soup kitchen and quit. Wackstein cited, "frustration." Cry-Baby-Quitter #2 - Mr. Charles E. Williams, head of the NYC's Scool Construction Authority, also threw in the towel. The Authority's generous budget and exemption from the Wicks law apparently weren't enough for Williams. Seems the City had the audacity to take a closer look at how the Authority was spending its money.

October questions for those left-of-center:

Why have liberal commentators taken to labeling those supporting abortion as "pro-choice" while those who oppose it are "anti-abortion"? Seems a more balanced approach would be to refer to the opposing camps as "pro" and "anti." How does gay activist Michelangelo Signorile justify "outing" persons who wish to keep their sexual preferences a private matter? In the wake of the warnings his compatriots offered that Robert Bork was a "threat to privacy," I find Mr. Signorile just a tad confusing.

A Final Parting Shot: Congratulations to soon-to-be Associate Justice Thomas for making clear the distinction between the roles of policy advocate and judge. This is a distinction some of his predecessors failed to acknowledge and Sentaors Kennedy and Metzenbaum need to learn.
FED UP WITH EXORBITANT BOOK PRICES?

Every new semester students at New York Law School (as well as all other post-secondary schools) suffer from the inevitable book price sticker shock. It seems that acquiring an education requires not only intelligence and hard work, but also, that your wallet (or more likely, your credit card) be assaulted twice a year when you purchase required texts and study aids for your classes.

Of course, there are always some books that we all want "brand-spanking new" -- if only to assure ourselves that what ever markings exist when we go to study for finals are ours. But is paying big bucks every time really inevitable? No doubt, from time to time we stumble upon a relatively clean used book in the book store and pay a few bucks less. Additionally, we can always register into courses that friends have taken and, regardless of how much we hate the subject matter, borrow the books and save money. Yet, this approach is limited and haphazard. It's time to allow credits back into circulation at little cost to future students.

Additionally, book thefts for the sake of trade in commonly found at other schools, both large and small.

Here's how a book coop at NYLS could work: Students who have completed a course can deposit those books in the co-op and receive credit toward other needed texts. The credit could be pro-rated to account for the value of each deposited book. For example, if one point is awarded for every five dollars of the book's purchase price when new, then a person turning in a Contracts text which had cost $40 could receive 8 points. This person could then trade the 8 points for a book that another student had turned in to the co-op.

Credits from several books could be added together to allow "trade ups" to more expensive books. Additionally, credits could be "banked" and applied to later purchases.

This model is only one of several ways that students can set up a book co-op. A system could also award a nominal cash price in addition to credits for each deposited book. However, this model requires some start-up money as those making the first deposit would have to be paid up front. This could be done through user fees or with some seed money from the school.

A book co-op is not without its problems. Diligence, dedication and honesty on the part of those students running the co-op is a must. Additionally, book thefts for the sake of trade ups could occur if a proper monitoring system is not adopted. Nonetheless, these problems are small compared to the potential gain to all students.

Come on NYLS students, get fed up with paying those big bucks to West Publishing, Foundation Press and Little Brown, et al. Let's start a student book co-op and keep some of those bucks in the pockets that really need them -- ours.

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Mister Bressler Speaks His Mind

by Michael Bressler

CROSS EXAMINATION

Student Voices. It seems that NYLS students have about much influence on our school's decision-making process as African Americans had at the Constitutional Convention. Why are there no students on the dean selection committee? Why are there no students on the academic standards committee? Why is it that when several professors went away on a retreat in New Jersey and came to the decision to scrap Legal Method (albeit, an excellent decision) and create the Lawyering Skills program? Etc, etc, etc.

Yes, students have “observer status” on certain committees, but we should be more than “shadow Senators.” Students should be integrally involved in all decisions. While the faculty will argue that students are a transient community, while the faculty has a long-term interest in the school’s future.

The faculty should know better. Students’ needs remain constant: finding professors who can teach well, finding a job when they get out, having good administrative staff members in student services, financial aid, etc. Moreover, to some faculty members NYLS is just a stepping stone to bigger and better things (read: a higher rated law school) while for the rest of our lives the reputation of NYLS will be of vital importance, so who has a more long-term interest? Dean Simon can have a great impact for the NYLS’s next century by giving students the voice they deserve. Students our battle cry should be, “No more tuition, without representation.”

WHO WROTE THAT?

What I submitted to the Reporter for last issue was not the same one published under my byline. I apologize for the state the piece was in, namely bad grammar, nonsensical phrases, and generally bad writing. Further still, I do know that there are faculty members who did graduate from NYLS. However, what I wrote and what was edited out, was that there is presently no full-time, tenure-track faculty members who graduated from NYLS. That is a problem. We, like other discriminated against minorities, need rolemodels. Despite the violence done to my prose, the article did have some impact: My sources tell me that Prof. Massey took the article to heart, has put his draft article on reserve (so students know what their profs are up to), and has decided to have lunch with students on a regular basis. Is Prof. Massey buying? Regard-

now, lemme see if i get this straight...

You want me to study my tail off in law school for three years and work for the man at some whitey firm I’ll never make partner at, hahin’ can for “the man an’ puttin’ de brothers away”...

Honey don’t play dat

CARTOON BY ALEX LEE

Michael R. Bressler, Note, (title)...

A new edition of maybe the most important law book of all has been published and I have not seen any reviews of it. Well I’ll take a stab. The time has come to throw out A Uniform System of Citation (14th ed. 9th printing) that you paid about $8 for last year and replace it with The Bluebook: A Uniform System of Citation (15th ed. 2nd printing 1991). Here are some of the more significant changes found in Bluebook, which is no longer A Uniform System of Citation...

State court cases are cited only to a West Regional reporter in non-court papers, e.g. P.2d, N.E.2d, etc. This move serves to strengthen West’s monopoly hegemony on legal citation. Thankfully, Bluebook still allows for the citation of official reporters when submitting court papers in those states, but wait for the 16th edition...

All parts of the U.S. Constitution are now capitalized, so the “fifth amendment” is now the “Fifth Amendment.” Before the 15th edition, only the Supreme Court got away with doing this, well if you can’t beat ’em... Anyway, you’d have about as good a chance of getting the Court to change their drafting policy as a mentally retarded defendant has of convincing the Court to remand a death penalty conviction.

Author’s full names (including m.lds) as they appear on a title page are now used in everything, and not just first initial and last name. This is a positive change. Now when you look up an author on LEXIS or WESTLAW, you don’t need to “Next Doc” like crazy through ten other writers who share the same first initial and last name as your subject. Student notes and comments are no longer written by that most prolific writer: Mr. or Ms. Note and Comment, they are now...
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HOFSTRA LAW SCHOOL
MANHATTAN

PACE LAW SCHOOL
RUTGERS LAW SCHOOL
SETON HALL LAW SCHOOL
SYRACUSE LAW SCHOOL
TOURO LAW SCHOOL
U CONN LAW SCHOOL
WNEC LAW SCHOOL
YALE LAW SCHOOL

Sat., 11/2
Sun., 11/3
Sat., 11/2
Sat., 11/2
Wed., 10/30
A - Sun., 10/27 LIVE
B - Sun., 11/3
C - Thurs., 11/7
D - Sat., 11/9
E - Tues., 11/12
Sat., 11/2
Sun., 11/3
Thurs., 11/7
Sun., 11/3
Sat., 11/2
Sun., 11/3
Sat., 11/2

9AM - 1PM
10AM - 2PM
10:30AM - 2:30 PM
11AM - 3PM
6:30PM - 10:30PM
11AM - 3PM
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6PM - 10PM
11AM - 3PM
6PM - 10PM
10AM - 2PM
1PM - 5PM
11AM - 3PM
5PM - 9PM
9AM - 1PM
10AM - 2PM
10AM - 2PM
10AM - 2PM

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Room 202
Brooks Hall
B217
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