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New York Law School

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DNA: Medical Mischief in the Making

By Michael Bressler

On Wednesday, November 15, Phi Alpha Delta fraternity presented a panel discussion on DNA "fingerprinting" and testing.

Professor Eugene Ceruti of NYLS served as moderator. He introduced all the speakers and gave background information on the legal issues of DNA testing and the facts of the landmark case, People v. Castro.

The Hon. Gerald Sheindlin of Bronx County Criminal Court served as moderator. He presented his lecture "Beyond 1992" to the New York Law School community Monday, November 13, at the Froessel Reading Room.

The European Communities is the collective designation of three organizations with common membership: the European Economic Community (frequently referred to as the "Common Market"), the European Coal and Steel Community, and the European Atomic Energy Community. The twelve full members are Belgium, Denmark, France, West Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain, and the United Kingdom. In 1987, these democracies enacted the Single European Act, through which member states have sought to eliminate all internal commercial, financial, and customs barriers, giving themselves a deadline of 1992.

Ambassador Derisbourg stated that this one single market would allow for the free movement of goods by eliminating taxes, allowing persons to move freely from one country to another in search of work, and creating one level of qualification for workers and one standard for products. He predicted that 1992 will also bring about an integration of services, such as banking, insurance, and data processing. This demands that capital also move freely.

The Ambassador said that the switch to a single economic unit would allow Europe to improve its trade with the United States and Japan, providing for greater economic prosperity. He also said that the economic integration of 1992 was not an end, "but a necessary condition" toward a political union. He compared Europe in 1992 to the United States after the Civil War (one of several comparisons to the U.S.), and recalled the goal of the States to establish a commanding federation. As for "Beyond 1992," Ambassador Derisbourg envisions a single common currency, the creation of a European equivalent to the Federal Reserve Bank, and a common line of defense, which he believed would not substitute for NATO, but would be a force with the United States and the Soviet Union, and thereby an essential part of any negotiations between the superpowers. He also spoke of a common language and a common constitution.

Currently, Austria and Turkey have applied for membership into the EC, and the Ambassador stated that they, as well as any other European democracies, would probably not be accepted until after integration in 1992. The rapidly changing political climate in Europe opens up the possibilities for new future members, and the Ambassador said that the EC would not deny entrance to countries converting to democracy, pointing out that East Germany is already a trading partner with West Germany.

The next speaker was Peter Coddington, Deputy Chief of the Appeals Bureau of the Bronx DA office and co-counsel for the prosecution in Castro. Mr. Coddington had the unenviable position of defending DNA testing by authorities such as police and prosecutors. He favored testing not just to identify criminals, but more importantly to rule out innocent suspects. This was particularly helpful in a case as crime infested as Bronx County. Mr. Coddington agreed that DNA use should not be rushed, but felt strongly that it was the wave of the future. He did not share Prof. Shapiro's concern about a potential threat to privacy, saying safeguards can be put in place.

ECC Ambassador Visits NYLS

by Anthony S. DiNotta

Ambassador Jean-Pierre Derisbourg, Head of the Delegation of the EC Commission of the European Communities (EC) to the United Nations, was the recipient of the 1989 Phi Alpha Delta Foundation International Fellow and presented his lecture "Beyond 1992" to the New York Law School community Monday, November 13, at the Froessel Reading Room.

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Black Letter Law For Whites Only

By Lawrence Siry

New York Law School has long been recognized as an "Urban Law School." NYLS is a school in a major urban center, that has made a commitment to paying special attention to the issues and problems that effect city dwellers. Here member of the community participate in the ever-growing dialogue that is "the Law" or "Legal Thought."

As of late, this reputation and commitment has been tarnished due to the drop in African-American enrollment at NYLS. In the entering class of 1992, African-Americans make up a mere 1% of the enrollment. New York Law School does not reflect the population of a city with an incredible ethnic diversity, but rather, a city of upper middle class whites.

As one NYLS alumus noted, the School resembles an Urban Law School not in New York, but rather, in Johannesburg. NYLS is not alone in this respect. Last Spring, the students at UCLA Law School (Bolt Hall) held student strikes to address concerns over the lack of minority representation, in the student body, the faculty, and at the Board of Directors. This Winter, the National Lawyer's Guild, the Black Law Student Association, The Asian Law Students Association, gay and lesbian groups, women's organizations, and other concerned student groups from Law schools around the country, will be meeting in New York to discuss strategies that will improve minority representation. Here at NYLS, Kevin Downey, (director of Admission) explained the drop in minority representation and NYLS's minority admissions policies. While NYLS does not use minority quotas (something prohibited in Bolles), the school does have goals for minority representation. Usually Admission "shoots for" roughly 15% minority representation, split between Latinos, Asians and Blacks. According to Downey, the students who enroll, usually reflect these goals. This year, while Latino and Asian representation reflected

Page 5

Dean Simon admiring Ambassador Derisbourg's diplomatic acumen and savoir faire.

Peter Coddington admiring the Making of the New York Law School Reporter.
The Gripses of Worth

To the Editor:

We are 2nd year full-time day students and on behalf of our fellow classmates and ourselves, we would like to express our disappointment with the administration regarding the Spring 1990 Schedule of classes.

First, why are there 58 evening electives and only 38 day electives? A restriction in the number of day electives causes substantial problems in scheduling. Taking into account the limitations put on day students to register for evening classes (day students may only register for one evening class), the possible danger in walking to and from classes can make scheduling difficult. The inconvenience of waiting around for a 6:00 p.m. or 8:00 p.m. class, when many of us have been in school since 9:00 a.m., how is a student to take classes he or she needs or prefers? Day students chose the day division for a variety of reasons. At the minimum, a more extensive day elective selection is needed.

Secondly, we strongly recommend ("required") courses, such as Evidence, and Torts and Future Interests should not be offered only once. This results in overcrowding and an overwhelming number of dissatisfied students being closed out of courses. The simple addition of another class of the same course would be helpful.

More day electives and additional offerings of "required" courses are needed to alleviate the inequity and inflexibility inherent in the current system. Thank you.

Karen Emma
Anthony Juliano
Amy Kriegsmann

Editor's Response: Your Prayers Have Been Answered

The SBA Senate has formed a subcommittee to compile students' complaints about class and exam scheduling and forward them to the school's administration. Although this group does not expect to be able to clear up the bottlenecks created by next semester's class and exam schedules, it has been organized with a view to providing better-balanced schedules in semesters to follow. Representatives of the subcommittee will meet on an ongoing basis with the Office of Academic Affairs, to present students' concerns and consider solutions.

If you have any specific complaints, comments or suggestions about next semester's schedules, or about class and exam scheduling in general, please submit them in writing to the subcommittee, via the box provided outside the SBA office, or speak to a subcommittee member in person.

Note to 1st Years: Don't Worry, Be Happy. This too shall pass.

Boycott the Sham Constitution

by Leon Greenberg

All New York Law School students will soon be asked to approve a Constitution. You should boycott the referendum (which has the same force as voting no because the constitution must be approved by two-thirds of the entire student body, not just the students voting). The referendum proposes:

1) That there is no limit on free voting or on proxies at SBA Senate meetings. This means certain individuals can attend SBA meetings and vote three, five, eight or more times by proxy. This destroys any shred of democracy. The people who give these proxies have no idea what is being done with their votes. In fact, the current SBA constitution can be interpreted to allow an SBA senator to never come to a single meeting and continually give his vote to someone else.

2) That only those persons who have served in the SBA in some capacity for one year are eligible to run for SBA president. That's right, not just any student can qualify to be SBA president. The point of this rule is to look for all the current SBA members,olley will be the only ones able to qualify. The SBA Senate, excluding this writer and the Evening Division Vice President, Glen Miller, supported this rule on the ground that the Student Body needs to be protected from "inexperienced leadership". How terribly altruistic of the SBA Senate!

3) That the proposed SBA constitution forbids the closing of SBA meetings to members of the Administration. That's right, even if the SBA wants to hold a meeting and allow only students, not administration members, to attend it can not under the proposed constitution! You might also like to know that your tuition dollars help pay the salary of an Administration member who attends all SBA Senate meetings, but that is another story . . .

The foregoing issues were brought before the SBA Senate by this writer. I requested that the merits of the various issues not be debated, rather that the three above issues be put forth in separate amendments to be voted on individually by the student body. True to its self-serving nature, the SBA Senate refused to allow these amendments to be voted on by you, the very people most affected.

Show the SBA you care about democratic principles and effective student government by boycotting the referendum. Once this sham constitution is rejected by the students, the SBA will have no choice but to propose a fair and democratic constitution to the students. It is up to you!!

Christmas Comes Early to NYLS

Early to bed; early to rise; can make a man wealthy if that man happened to know of the financial aid give away that took place, Tuesday, November 14, 1989 beginning at 9:30 am.

It has been reported that about 25-30 students started lining up at 8:30 that morning in hopes of receiving some of the $15,000.00 of excess funds that the magnanimous financial aid department found itself in possession of this far into the semester. The policy in force that day: first come first served as long as you had a complete file and unmet need. Certainly, there are more than 25-30 students with unmet need. There was no consideration given to the neediest and the scheduling eliminated the participation of evening students.

Many of you, we are sure, are wondering what the hell we are talking about.

According to Gerald Collins, Director of Financial Aid, you should all know. Mr. Collins claims that fair notice was given to students. That on Saturday, November 11, 1989 an official flyer was posted or distributed. The actual manner in which the flyer was handled remains quite vague.

After performing a little survey work, we have yet to find a student that saw the flyer. Those who were fortunate enough to benefit from the giving spirit of the holiday season (which we guess began on Veterans Day for the financial aid office) seem to have heard the news from a friend which no one wishes to identify.

THE NEW YORK LAW SCHOOL
REPORTER

TOP DOG
EVAN AUGUSTO/NATAS

PURSE STRINGS
DIANE WOLFSON

MANAGEMENT
DILIP MASSAND, BRADLEY SHAW, SHIRLEY WONG, DAREN DOMINA, DAN MUJAMEL

HUMAN RESOURCES
LARRY SIBY, ANTHONY ISGUITA, MARIA JR, PILAN OASIO, OSCAR MCDONALD, DAVID WIND, MARIO KARONIS, PHILIP SPIROPOULOS, LEON GREENBERG, MIKE BRESSLER, ALEXANDER ROSATI, SUSAN MCDIARY, DR. JOSEPH MCGIVNEY, MARY LEE JENKINS, FRANCES CHAN, BILL BUCHOFF, BARRY BLOCK, and JACQUES MIJHOMME—resident homeboy—in full effect.

TED ZAFFRAS—Good look, we'll miss you. —C102

THE REPORTER invites interested parties to submit columns, letters, articles, criticisms or suggestions to: The Managing Board, THE REPORTER, 57 Worth Street, Room C-102, New York, N.Y. 10003. Telephone: (212) 681-1117.

THE REPORTER, which is published periodically during the academic year, has an opinion columns entitled "VIEWPOINT. Persons interested in submitting a written opinion for this column should label it "VIEWPOINT" and submit it to THE REPORTER. THE REPORTER reserves the right to edit all material accepted for publication.

College Press Service Subscriber.
Student Bar Association Responds to Scheduling Controversy

By Daren R. Domina

In response to the dissatisfaction expressed by students over the Spring 1990 class schedule, the NYLS Student Bar Association formed the Registration and Scheduling Advisory Committee on November 16. This nine-member committee is composed of SBA senators representing first-, second- and third-year day students, midyear students and evening students.

Citing specific problems in the schedule, the committee drew up a formal grievance which was sent to administration week of registration. The grievance expresses various policy considerations which should be addressed during the scheduling process. The committee will also meet with Stephen Goot, Assistant Director of Academic Affairs, who is primarily in charge of the scheduling, to discuss student concerns and to offer student input into the drafting of the Fall 1990 schedule. Although recognizing the many faculty and administration efforts involved in drawing up the class schedule, the committee feels hopeful that improvements can eventually be implemented.

According to Associate Dean Donald Ziegler, it is highly unlikely that any changes will be made to the Spring 1990 schedule primarily due to time constraints. Dean Ziegler, however, is supportive of any formal mechanism to allow student input into the scheduling process.

Stephen Goot is also very supportive and feels that student input early enough in the process can go a long way towards minimizing scheduling problems and complaints.

The SBA urges student input. For the sake of expediency and efficiency, however, student complaints or proposals should be addressed to the Registration and Scheduling Advisory Committee and not to Stephen Goot.

Members of the subcommittee are: Brenna Mahoney — 1st year Daren Domina — 2nd year Bill Kasten — mid-year Glenn Miller — evening Brian Berk — 3rd year

Placement Office Gears for 1990’s

By Daren R. Domina

Change seems to be the “buzz-word” at New York Law School this semester. Recent activities of the Placement Office are illustrative of this schoolwide administrative movement towards reorganization and improvement. The Placement Office, under the direction of Suzanne Baer and Hillary Mantis, has instituted a variety of programs this semester to improve what are felt to be the most pressing deficiencies in the present services offered by the office.

“Students need to realize that Placement is not here to get them a job; it’s a resource service and facilitative tool to help students find jobs for themselves.”

Since many of Suzanne Baer’s activities take her out of the office, former assistant attorney Hillary Mantis, who started with the office this August, has provided the major impetus for many of the proposed improvement programs. For example, a new program for first years is presently being implemented whereby every first-year is given an opportunity to meet with a counselor and a chance to acquaint himself with the office’s available resources. Because of time constraints, day students have appointments this semester and evening students have them next semester. If needed, however, evening students can make arrangements to see a counselor this semester.

In an effort to respond to student grievances, the office has reassigned an individual to the Placement Office Advisory Committee. The aim of this ten member committee, composed of concerned second- and third-year students and chaired by Hillary Mantis, is to focus student complaints into concrete solutions. The committee has drawn up several proposals that are hoped to be implemented by next year.

The office is also “cleaning house.” All of its present resources are being examined and updated. Old information, now considered useless, is being discarded and new resources are being added. The Placement Office has also hired former “head-hunter” Danielle Aptekar as a full time counselor until the recently resigned Assistant. A newsletter, the Placement Office News Briefs, is printed periodically to inform students of upcoming programs, new office resources, and job hunting strategies. Recent developments are also posted on the Placement Office bulletin board, located next to the student organization mailboxes in the student lounge.

The Placement Office believes that students need to realize that Placement is not here to get them a job; it’s a resource service and facilitative tool to help students find jobs for themselves. Although hampered by budget and other administrative constraints, the Placement Office recognizes its problems and is making serious efforts to reorganize and improve.

Faculty Advisory Committee Proposes Curriculum Changes

By Daren R. Domina

The Faculty Advisory Committee, chaired by Prof. Donald Rothschild, is finalizing its recommendation about a new NYLS legal skills program for presentation to the faculty at the Faculty Retreat in mid-February, 1990. If approved, the proposals could institute changes in the NYLS curriculum as early as Spring, 1991.

For the past several months, this five member committee, including Profs. Cretu, Perlin, Sherwin and Strossen, has been studying the NYLS course curriculum, including the various clinics, internships and externships, in an effort to recognize and improve the present quality of skills acquisition at the school.

This program comes in response to an American Bar Association request to upgrade the legal skills program at NYLS. Similar programs have been implemented successfully at other law schools across the county, such as New York University and Stanford.

The purpose of the reforms, according to Prof. Rothschild, is to teach students practical lawyering skills — to inform students about the realities of actual practice.

The committee proposes an extensive, unified program which would supplement all three years of law school. Possible new courses include a first-year fact finding course, a mediation course, and an interview and counseling course. Reorganization of existing courses such as ethics and legal writing are also proposed.

These two and three credit courses would be mainly elective. They would integrate lecture, seminar, and simulation techniques. Methods would be divided into discussion groups and auto-visual and static visual methods. A specific objective of the course would be employed in grading and final grades could be derived from any combination of exams, presentations, and papers.

Approval by the faculty would present some problems in implementation. Although the program would not be as expensive as NYU’s, for example, funding would be an issue: new faculty would need to be hired. One possible alleviation of this problem involves student Teaching Assistants compensated by stipend or wages. This program might also be phased into the curriculum smoothly, involving a schoolwide administrative effort to properly ensure a coordinated transition. Prof. Rothschild, seems confident, however, that if the proposals are approved, these problems could be resolved and a successful program could be implemented.
The Office of Student Affairs would like to recognize James (Yi Wei) Jiang, a first year student, as "Student of the Month." James has achieved a lifetime of study and scholarship despite the obstacles placed in front of him by the turmoil of twentieth century China. Like many Chinese, his life was disrupted by the Great Proletarian Cultural Revolution, a political movement on mainland China which lasted from 1966 to 1976. In 1969 he was exiled to the countryside, along with his father and many of his junior high school classmates, because his "family background" was determined to be "counter-revolutionary." (His father had been a member of the Guo Min Dang, or Nationalist Party, until 1945, and his mother's brother was a soldier in the Guo Min Dang army before emigrating to the United States in 1943.) For the next six years, years of unusual hardship in China, he worked the fields in Manchuria, a northeastern province of China with a climate similar to that of North Dakota. There Jiang shared many of the traditional hardships of the Chinese peasant during a time when these conditions were further exacerbated by the economic disasters of the Marxist regime.

When in 1972 he was allowed to move back to Shanghai, James attended East China Normal University where he studied politics and pedagogy. In 1977 he was assigned to Xiang Ming High School in Shanghai as a teacher of politics, history of the Chinese Communist Party and Marxist economics. Because James did not believe in the subjects he taught, he chose to return to school to study logic at the Shanghai Academy of Social Sciences, where he remained as an Assistant Professor until 1987. During that time he published articles and translated works of Western philosophy, including Roger Ames' Thinking Through Confucius and works by British philosopher Karl Popp. Finally, in 1987 James was allowed to join his mother in emigrating to the United States to live with her brother. After studying philosophy at the University of Hawaii and economics at Baruch College, James entered New York Law School this fall.

Notice: Students may submit suggestions for future "Student of the Month."
Exam Info

Extended Library Hours/Late Night Study Hall

Starting Saturday, December 2nd, the New York Law School Library hours will be extended. In addition, the Student Lounge and the first and second floors of the 55 Worth Street Library will be available even though there is a Study Hall for several hours after the Library closes. This space is for study purposes only; no library personnel will be available to assist you.

**Periods**
- Library
- Study Hall

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Exam Taking Workshops

A workshop on Exam Taking Techniques will be presented at the following times:
- Tuesday, November 28th from 1:30 p.m. - 2:30 p.m. in Room B507 with Professors David Cahn and Edward Zlotnick
- Wednesday, November 29th from 4:45 p.m. - 5:45 p.m. in Room A301 with Professors Carlin Meyer and William Natelson

This schedule is designed for staffing and security reasons and your cooperation in following these times is appreciated. You must have a valid New York Law School I.D. card to enter the parking lot.

DNA

Prof Randolph Jonakit of NYLS offered some haunting insights into the world of forensic science. In his research in this area he found: 1. Conclusions given are incorrect as much as they are correct. 2. There is no regulation of crime lab: no certification of offices, no qualification for employees. 3. Conclusions are made before research is done. The professor noted that the same standards of testing applied by the Food and Drug Administration to forensic science, there would be no DNA tests in any court. Prof. Jonakit felt judges, juries, and lawyers are too often awed by scientists, who are trained to be "tinkers" and not taught to think. He wondered why no defense attorney even asked for a forensic expert, "Is there a proficient program at your laboratory? If so, what were the results?" He believed there would be a strong public outcry if we were wary about how many guilty people were let go due to the incompetence of forensic science.

Next on the agenda was Prof. Barry Scheck of Cardozo Law School and co-counsel for Joseph Castro. He outlined in detail the deficiencies of DNA testing at present and as administered in Castro. He stated that Judge Scheindlin's three prong test was failed on all points: There were no standards as to what constituted a match (three or six standard deviations, within a size of 0.6 or 1.8 percent, etc.) What about the environmental insults to the sample. Some data from Castro could easily be a living thing. Prof. Scheck disagreed with the judge's application of the Fry standard, the judge professed that standards be obtained on a case-by-case basis, whereas Schreiber believed Fry called for a standard methodology and quality control. The last speaker was Peter Newfield, co-counsel in Castro and adjunct professor at Fordham Law School. Prof. Newfield continued the general attack on forensic science. He noted that there was no critical scrutiny of forensic information, i.e. there are no professional journals that test results before publication and no counter-tests by peers. In short, the adversary system of scientific progress is non-existent, yet forensic testimony is held in the highest esteem by court officials. The professor noted that DNA tests, like most novel scientific techniques are extremely costly in time and money, and thus, unaffordable by most criminal defendants. He was able to get experts to testify in Castro for no money, due to its potential for being a landmark decision and the attention of a New York venue. Prof. Newfield pointed out that all DNA testing at present is flawed, since scientists assume random matings within a given population (whites, blacks, Hispanics), which is not the social reality. There are sub-populations within each, for example Puerto Ricans, Mexicans, Dominicans, Cubans, etc are all within the Hispanic group but have several population genotypes (genetic characteristics).

There was no time left for audience questions or panelists debate due to the length of most of the panelist's speeches. About fifty people attended, unfortunately many left after the judge's long-winded talk, and missed some important insight in an extremely important topic in law today.
Clerking for Dollars

by B. Shaw

The Minority Law Student Intern Program, an initiative sponsored by the New York County Lawyers Association (NYCLA), is designed to increase minority participation in the legal profession by offering paid summer clerkships to NYLS students. The program, begun last summer, is unique in many ways as an alternative clerkship opportunity. First, since many students are deterred from seeking clerkships during the summer because they are typically not paid positions, this program offers a modest weekly salary comparable with other public service summer intern programs in New York City. The salary of $250 per week is intended to provide added incentive to students enabling them to consider a clerkship among their summer employment opportunities during their first and second year at law school. In addition, students are required to divide their time between the chambers of two New York State Supreme Court Justices; they work approximately four weeks with a Civil term judge and four weeks with a Criminal term judge. However, providing law students with a wider range of employment opportunities is just one facet of a larger goal behind the program. The clerkship's most unique feature is it's philosophy, characterized as an effort to bring ethnic and racial groups that are significantly under-represented in the legal profession into the mainstream. The program attempts to accomplish this goal by motivating the participation of the organized bar, the judiciary and law schools, to increase recruitment of minority and ethnic groups whose advancement in the legal profession has been slow. The idea for the clerkship program was conceived by Suzanne Baer, Director of Career Planning and Placement at NYLS. Ms. Baer, who is also the National Association for Law Placement's liaison to the ABA Commission on Minorities in the Profession and the chair of Law Placement's Fair Employment Practice Committee, noted that few qualified minority students seek graduate federal clerkships or positions in academia. Ms. Baer believes that this program can be a stepping stone toward cultivating advancement by law students into these and other areas of the legal profession. The positions provide invaluable legal experience, and often establish the potential for a "mentor" relationship between student and judge which will endure beyond the intern's summer tenure. The participation of various elements of the organized bar and judiciary has been crucial to piloting this new clerkship opportunity. Ms. Baer enlisted the help of her husband, Hon. Harold Baer Jr., a New York State Supreme Court Justice and former president of NYCLA. Justice Baer helped enroll judges to participate in the clerkship program and assisted with the solicitation of funds needed to finance the project. The Baers worked closely with Eugene P. Soutter, President of NYCLA and the Hon. Milton T. Williams, Deputy Chief Administrator for New York City Courts and a NYLS alumnus, to recruit Justices to participate in the program. A $10,000 donation by the Honorable Louis L. Friedman, a NYLS alumnus, executor of the Sonia Alden Estate and a $5000 donation by the late Hon. Nanette Barlow, daughter of Alfred Berman of the Dembrow Foundation provided the initial funding for the program. Next year, federal funding and work-study subsidization is expected as the program expands to other law schools throughout the city. Last semester, 25 NYLS students who applied for the clerkship were initially interviewed by NYLS's Faculty Judicial Clerkship Committee. Eleven of those names were finally selected to a panel of judges and lawyers in the NYCLA. The first three participants were a second year student from the University of Miami, a second year student from City College of the City University of New York, and a second year student and graduate of Baruch College, who is enrolled in the joint JD/MBA program. "To call women the weaker sex is a libel."

Mohondas K. Ghandi
Barrister-Johannesburg South Africa

"NYLS's goals, the goals for African Americans was not. The School does have a recruitment that include Universities like Howard, where African-American enrollment is high, the recruitment was not successful. Downey explained that with Simon is greatly concerned with the lack of minority representation, and has pointed a special liaison for minority affairs. Michael Hardy will be available one night a week for addressing concerns of all students, and in particular, minority affairs. Part of the problem, may be the environment that the administration has fostered towards minorities. Last year tenure was denied for NYLS's only Black tenure track professor, despite student uproar; excellent credentials and reputation. Possibly, the School suffered from bad press from this incident, and it may have affected students' decisions to attend NYLS. Part of the problem may also be the admissions process itself. Why, in a city that has such a vast minority population, is the total goal for minority representation only 15%? If a "goal" of 5% African-Americans only reaps 1%, then it might make sense to shoot for 20% to 30% African American. It must also be remembered that these "goals" are for qualified students, the school would still keep its high standards. Other question to be addressed, is why are there not more Black tenure track professors? There are Black lawyers and legal Scholars out there, why not hire some more quality minority professors. Why, also, does our Board of Trustees look like a commercial for Wonderbread? There are Black community leaders out there that would well represent the whole community. Everyone benefits from having a diverse and integrated Educational community. We are a law school that is both national and local in scope; we would be stronger, and more legitimate, if we better represent the urban setting that we are a part of. None of these problems are fatal, or irreversible. With work, and cooperation we, here at New York Law School can live up to the challenge of becoming a preeminent urban law school."
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Panel Raises Awareness of Battered Women’s Syndrome

by Susan McCardy

A woman who has been mentally and physically abused by her husband for years kills him but is acquitted through use of the “battered woman syndrome” in her defense. Some say that this represents an advance in the law while others believe that women are literally getting away with murder.

This pressing issue was dealt with at a panel discussion entitled “Battered Women” sponsored by the Legal Association of Women on November 13 in the Faculty Dining Room. Ellen Yaroshefsky, a private attorney experienced with battered women cases, was the primary speaker and New York Law School professor Carlin Meyer moderated the discussion. The other scheduled panelist, Ellen Blackman, a psychologist and expert witness in this field, was unable to attend due to illness.

Why do women stay with abusive husbands? That, according to Ms. Yaroshefsky, is the primary question to be dealt with concerning the defense of battered women. Because of its counterintuitive nature, it is difficult for juries, judges, and the general public to comprehend what makes a woman stay in an abusive situation.

She then discussed the two main theories used to explain this phenomenon. The first is the “cycle of violence” theory recognized in the mid-1970s. There are three phases in the cycle: first, there is an escalation of tension leading up to abusive behavior by the husband, then an acting out of the violence by the husband, and finally correction by the husband. For a while he refrains from abuse but eventually the cycle begins again. A woman in this situation remains with her husband in hopes that “this time” the abusive behavior will not recur.

The second theory is termed “learned helplessness.” Basically, this theory claims that by being in a system of domination for so long women cannot leave due to this learned or forced “helplessness.” However, Ms. Yaroshefsky pointed out that this theory has been criticized because the reality is that women in these situations have not “learned helplessness” per se but have learned how to survive. It is important, said Ms. Yaroshefsky, to view these women as “survivors” because to juries, they often do not appear “helpless,” and makes explaining their actions more difficult.

Making juries understand why a battered woman behaved as she did requires that the stereotypes and myths about these women be dispelled. Many jurors, as well as the general public, tend to believe that if a woman had really been abused then she would have left her husband. Expert testimony is therefore needed to explain to juries why women do not leave.

In the past ten years advances in the law have allowed the use of experts to explain to juries the “battered women’s syndrome.” According to Ms. Yaroshefsky, virtually all jurisdictions battered woman syndrome testimony may now be used. Experts are also needed to refute the myth relating to the “type” of woman who is battered. The “non-meek” woman is not perceived as the “classic” battered woman. It is necessary for experts to explain to the jury that not all battered women are weak or meek.

Related to this is the prevailing problem of ethnic or racial bias. Tough, poor women are less likely to be perceived as battered women than are white, suburban, middle class women. Experts are needed to explain how “tough” women can also be abused by their husbands.

However, Ms. Yaroshefsky pointed out that this use of expert testimony sometimes leads to a “battle of the experts.” “Experts” are called for the prosecution who give testimony that reinforces the stereotypes and promotes misconceptions.

Acquittals are more frequent than they used to be, said Ms. Yaroshefsky, however, but for these biases in the system there are still not as many as there should be. Juries are still more likely to find battered women who have killed their husbands guilty of a lesser charge, like manslaughter, than acquit.

Ms. Yaroshefsky also tried to make clear that the “battered women’s syndrome” is not a “defense.” Testimony that explains battered women’s syndrome is admitted only to determine if the woman’s fear was real, by a subjective standard. The reasonableness of her actions should be looked at in a contextual way.

This may seem like gender bias in the law, but Ms. Yaroshefsky refuted that notion. She stated that women only want “equal treatment” under the law. Given who you are in the culture you have the right to fight back. Women are not asking for special treatment. They are asking that their position in society be understood and taken into account when determining the nature and punishability of their actions.

Francis Chan, a member of L.A.W., said that the purpose of the event was to “raise awareness in general.” She commented that L.A.W. wants law students “to be concerned with the societal problem of violence against women and society’s perception of the problem.”

This discussion has hopefully made clearer for the forty people who attended, only six of whom were men, the nature of the debates and whether the battered women’s defense has gone too far or not nearly far enough.

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Garbage, Garbage! Everywhere . . .

By Marylee Jenkins

After gulping down those last drops of coffee and tossing your styrofoam cup into the nearest garbage can, think about this: the average American discards approximately 3.6 pounds of solid waste or garbage per day into the municipal waste stream. In 1988, Americans generated over 440,000 tons of solid daily. This is equivalent to 63,000 fully loaded garbage trucks lined up end to end for 373 miles! Because of the magnitude of this growing problem, we must effectively deal with solid waste by safely using present available alternatives and by developing new technology—not by banning or boycotting plastics.

Historically, we have disposed of our solid waste by creating landfills. In fact, about 85% of the United States's solid waste is currently deposited in landfills while the rest is recycled or incinerated. As a result, landfills have become a scarce commodity. In New York City, 40% of landfill space has been forced to close because either they have reached maximum capacity or have failed to meet Environmental Protection Agency (EPA) standards. For example, in the State of New York, 500 landfills were closed between 1983 and 1987 and New York City has only one remaining active landfill. Locations for new sites are difficult to find and are often met with opposition from communities. This scarcity of available sites has resulted in many states having to ship their garbage to other municipalities, states or even countries. In recent years the islip Surge and the Baltimore Sludge.

Let's face it, something has to give to our problem. Dr. William E. Rathe, a scientist at the University of Arizona, has been digging up landfills and finding some startling facts. Carron still recognizable after 10 years, newspapers undergraded and readables and other items of human consumption that have not decomposed at the expected rate. Scientists are learning that landfills fail to provide the needed moisture and air to decompose solid waste. In fact, biodegradation may not even be desirable for landfills. By-products of biodegradation, such as harmful leachates and highly explosive methane gas, if not properly handled and controlled in landfills can endanger our groundwater and air.

Misconceptions about the amount of plastic in the solid waste stream, unrealistic expectations of degradability in landfills and the mistaken belief that plastic cannot be recycled or safely incinerated have led politicians and others to single out plastic as the major villain in landfills. In actuality, plastic only comprises 7.3% of the total weight and 10.12% of the total volume of our municipal solid waste. Paper and paperboard account for 35.3% of the total weight and 47.8% of the total volume of municipal solid waste. The real issue that legislators and others must address, is not whether to ban or boycott plastics, but to understand what can be done now to cut down on the sheer volume of solid waste we produce daily. Recycling is an intelligent answer to today's solid waste problem of plastics. In 1988, more than 220 million pounds of plastic containers were recycled. Terephthalate (PET) used for soft drink bottles and other containers, high density polyethylene (HDPE) used for milk and juice jugs and polyester foam, used for coffee cups, egg cartons and other products are being recycled. For example, last year in Portland, Oregon, 9000 lbs. of plastic lumber were made from polystyrene foam used in coffee cups, food containers and other plastics to produce park benches, wildlife signs, kiosks and light supports. This plastic wood can be drilled, sawed and nailed in a similar fashion as milled wood and unlike real wood can resist weathering, decay and termite damage. Recycling projects are being developed nationally to convert various types of plastics into everything from traffic signs and automotive parts to office accessories and appliances. Indeed, recycling has become a part of daily life in some communities in the United States. States such as Washington, New Jersey, Connecticut, Florida, Oregon and Pennsylvania have enacted local or state laws to promote some form of recycling to ameliorate the solid waste problem. Another answer to the solid waste problem is to safely incinerate plastic. When properly incinerated, converts to carbon dioxide and water vapor, making it safe to burn as leaves or paper. Further, being a derivative of petroleum and natural gas, plastic when burned produces a higher energy output which allows for more efficient combustion of materials in the solid waste stream. Polystyrene generated 19,900 Btu/lb compared to wood which produces 6,700 Btu/lb, Wyoming coal 9,000 Btu/lb and fuel oil 20,000 Btu/lb. Incinerators could reduce the volume of solid waste destined for disposal in landfills by as much as 90%. These incinerators are fitted with pollution abatement systems and other environmental safeguards to control effectively the release of pollutants into the environment.

Many companies have developed plastics that are photodegradable but degradative matter by sunlight will not solve our solid waste problem. Six pack loop connectors, garbage bags and similar items will not photodegrade when buried under the ground. Incineration of plastics may cause people as more likely to litter. People may believe that they have a "license" to litter because they will not be guilty of the 2 liter coke bottle tossed onto the side of the road in any instance. Therefore, photodegradation of plastics may unexpectedly increase our problems of disposing of solid waste instead of being beneficial.

The United States faces a growing problem that only continues to increase and produces more and more solid waste. Instead of banning or boycotting plastic, emphasis should be placed on reducing the consumption of resources, promoting the idea of recycling, safely incinerating materials with attention to maintaining safe levels of emissions and using landfills as a last resort. By following these guidelines, we can help make our environment a cleaner and healthy place for the future.
Minority Job Fair: Recruitment Service or Lip Service?

By Maria Del Pilar Ocasio

On Friday, October 6, 1989, more than 700 minority students from 28 different Law Schools in the Northeastern United States gathered at Fordham University School of Law for the 5th Annual Northeast Minority Law Student Recruiting Conference sponsored by the NALP/BLSA (Job Fair). The students invited were of different minority backgrounds: African American, American Indian, Latin American, Indian and Oriental.

More than 236 employers were represented from private firms, public interest organizations, government agencies and corporations.

The goal set out by the Conference Planning Committee for this day was to "increase minority representation within the legal community until such a time that this conference is no longer deemed necessary."

BING!! Sounds familiar, huh?

To any law student who has taken Constitutional Law, a bell should be ringing in your head. Affirmative Action, in the private sector? Is this legal? What does this entail?

The Supreme Court has held that classifications which disadvantage a racial minority will be strictly scrutinized and may be justified only where they are necessary to fulfill a "compelling" government objective.

Today, governments, as well as private institutions, universities, and major corporations are trying to reverse the effects of past discrimination. A standard more lenient than strict scrutiny is sometimes used. In many instances, governmental attempts to use race as a basis for redressing past discrimination will pass constitutional muster.

In cases like Califano v. Webster, Califano v. Goldfarb, Fullilove v. Klutznich and University of Southern California v. Bakke, the Supreme Court has established that Governments may use racially conscious measures to counter the effects of past discrimination.

This article is not trying to take away the feelings that "Whoops! I shouldn't have said that!" or "Darn! I forget to discuss X!" In fact, the mood seemed to be fully of mutual respect and understanding. Employers seemed to really be taking the information and statistics passed out by the Planning Committee seriously.

Then why didn't any of the students at New York Law School that participated at the Job Fair get a job?

Few were the callbacks. (approx. 5) Furthermore, those that did, all questioned why they had been. They felt that their interviews were rushed and fake. Those that didn't get called back, received lovely letters from the interviewers stating how delighted they were to have been part of such a beautiful day. In fact, one student complained that she received a very touching letter from an employer who too had been happy to share in the day and had enjoyed spending time with her. . . . This would've been an even more touching letter had she interviewed with this employer! What do you think?

O.K., now we know that this Job Fair is constitutional. These employers all volunteered to come and spend the day interviewing students. A few weeks prior, students were asked to hand in resumes for each of the firms with which they wished to interview. After the firms viewed the resumes, they determined which students they felt were qualified for the position, and thereby granted them interviews.

It seems to me that the general idea is great, but does it work?

Students at New York Law School, who spent the day being interviewed, seemed to be of the opinion that this wasn't Affirmative Action! This was Lip Action!!!!

All the employers seemed delighted and enthusiastic about participating and told the students so during the interviews. Few were the students who got a bad impression after the interview. You know what I'm talking about, the feeling that "Whoops! I shouldn't have said that!" Or "Darn! I forget to discuss X!" In fact, the mood seemed to be fully of mutual respect and understanding. Employers seemed to really be taking the information and statistics passed out by the Planning Committee seriously.

Minority law students are receiving the same grades as non-minority law students and are graduating just the same.

So why do we still have these statistics?

Maybe, Affirmative Action does work, maybe it doesn't. But, let's not kid ourselves and be hypocritical. Either we do something to change these statistics or we don't. But we mustn't attack the symptom and not the disease!!!

This article is not trying to take away from those who worked so hard in taking the first steps towards striking a balance, such as Beatrice Nivens, Conference Administrator, Londell McMillan, NALP/BLSA Northeast Regional Director, Fordham University School of Law, site host for the Conference, and New York Law School's own Suzanne Baer, who was on the Advisory Board and Planning Committee.

These special people, and many others not listed, had the guts to stand up and try to make a difference.

But is it possible? Is the legal community ready and willing to take the first step and abide by the decisions which its own courts have held? Does Affirmative Action work?

Maria Ocasio is a second year student from the Bronx.

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PROJECT OUTREACH

OCTOBER 20, 1989
SOWING SEEDS FOR THE FUTURE
Racism: Alive and Well at NYLS

By Oscar McDonald

Is New York Law School a racist institution? Yes. This language may seem a bit strong, especially considering the number of my friends who have endured it. I think that the word "racism" encompasses all of the softened euphemisms. I have been thinking about this article ever since I was asked to write it. I have decided to use incidents that my fellow minority classmates have experienced while attending New York Law School.

1) "The only way to get a black man to work in New York is to pay him more than he should be paid. It is a pleasure to watch him sweat more than he could get on welfare." This statement was made by a well known Professor at New York Law School in front of a class of about one hundred students.

2) If you were to understand Black English speak to "Mary." She hangs out with the black law students, they understand that language. This statement was also made by a well known Professor at New York Law School.

3) "You can pass for white, you should..."

4) "Don't hang around with that black student. It looks bad for you."

5) "You are a minority student therefore you have to work harder than the rest of the students." This statement was made by a Professor who is currently teaching Constitutional Law and is in the last year of his "three years and out" contract.

6) "It is inherent that you don't know how to express yourself as well as others."

This statement was made by a Professor currently teaching at NYLS. Shall I go on? I think I will.

7) "Can I have a picture of Dinkins? I want to make our dart game more interesting..." This statement was made by an obnoxious white female student whose name I don't care to mention because it leaves a bad taste in my mouth.

8) "David Dinkins-first person to be elected in the history of the City of New York.

This is just another crude and insensitive statement made by some dumb white student.

I think that these examples of insensitivities and ignorance reflect the attitude of NYLS in general. Not only are they numerically inferior to NYLS students, but the whole school is inferior to the other minority counterparts at NYLS are basically closed to enlightenment and education where minorities are concerned. THIS MUST AND WILL CHANGE!!!

NYLS should stop the pattern of dumping one black professor and hiring another so that they can always say that they have at least one black faculty member.

By Dilip Massand

I have a few apologies to make. First to those people who had the courage to trust me with their work product in our last issue. What can I say? I asked you to share with me your first-hand experiences regarding the racial situation in our city. I was going to weave them together, we were going to create a rainbow that would shed enlightenment and sensitivity to a vital issue, in an atmosphere of cold intellectualism. Unfortunately, I think we achieved something and touched some part of those who actually took the time to read my column. I really thought for the ineptitude of yours intellectualism. And what happened, I think during Law School. I was going to weave them together, we were going to create a rainbow that would fill our "hospital-concrete iron" with good food (cheese was conspicuously absent), laughter, and music. The group then told them about a case in Florida where a woman who had been wearing a very provocative outfit had had her charges cleared of charges because the court found that due to her mode of dress she had no more or less involvement in that situation. They exploded with responses—one saying that maybe she was partially to blame, and others claiming how ridiculous the court's holding was... In either case, the Moor Court room had come to life like no class that I've ever experienced in a long time. The students were filled with legitimate organizations that between throwing darts, listening to music, and socializing, are having a definite impact. I greatly enjoyed it. These are clearly not the symptoms of "perpetual apathy." Instead, they are the manifestations of an environment that is beginning to feel good about itself...

One event that I stumbled onto that had a definite impact was the Outreach program sponsored by the Black and Latino Law Students Association and the Urban Law Society. It was Friday. I had nothing to do, I saw a few of my friends and classmates dressed up and hanging out. I was curious, so I went fresh, excited faces—not the looks of burned out cynicism that most of us sport on Friday mornings...
Club Update

Latino Law

The Latino Law Students Society and other co-sponsoring student organizations would like to thank the NYLS community for their generous contribution to the Hurricane Hugo fund raiser. A total of $355.00 was sent to the Hurricane Relief Agency in the schools name.

New York Law School Media Law Project update:

The Media Law Project is now in full swing. The members are enthusiastic and are planning three events for next semester.

—An Arts, Media, and Entertainment Law Symposium.
—A panel discussion on censorship.
—A panel discussion on the legal implications of digital sampling in the music business.

Also, the Communications Media Center of New York Law School is sponsoring a seminar on High definition Television on November 30 and the First Amendment Rights of telephone companies on December 19. Contact the Communications Media center for more information on their events.

Continue reading the Reporter for more information on the New York Law School Media Law Project and stop by our office at C-102 to get involved.

NYLS Real Estate Association

By David A. Wind

The New York Law School Real Estate Association had its first event on Monday, the 28th of November in the faculty dining room.

Two guest speakers addressed an audience of approximately 40 students, faculty and visitors about the current Real Estate Law climate and offered advice on how best to weather the downturn in the industry.

The first speaker, Mr. Stephen Einstein, from the law firm of Schlussel and Einstein, suggested that new graduates interested in real estate law should consider other related fields such as bankruptcy and foreclosure work, and General Corporate work.

Fredric Gould, a partner at Gould Investors, L.P., and chairman of other publicly traded Real Estate Organizations had a slightly dimmer view. He suggested that those considering real estate practice reconsider or leave New York. While Mr. Gould stressed the cyclical nature of real estate, he cited various regions, like the south west, that have been in extended real estate recessions. He indicated that New York could very well fall suit.

On the brighter side, Mr. Gould sees tremendous opportunities in Europe's Unification and in the western United States where Real Estate continues to enjoy tremendous appreciation.

ABA/Law Student Division Fall Roundtable:

Governor Dukakis Guest Speaker

by Frances Chan

The ABA/Law Student Division's Fall Roundtable (Meeting for Circuits 1, 2, 3, and 11) was held on October 27-29 in Boston. I went in my capacity as a member of the Commission on Minorities and Women in the Profession (COMWP). SBA President Cynthia Hanrahan and ABA/LSD Rep. Mark Rothberg also attended.

I heard a presentation on the Law Student Division's (LSD) structure and now I know how it works so if anyone is interested in getting involved with the LSD, I can fill you in. I also went to the Board of Governors meeting for a COMWP meeting, which was held in San Antonio. We passed a couple of resolutions, one which re-structures the Commission and the other to amend the By-Laws to include the Commission. I will be chairing the Commission next year. (That makes me Chair-Elect.)

Governor Michael Dukakis was the guest speaker at the Saturday session. He spoke about the difference between law school graduates in the 1960's and today—with respect to public service. He encourages all law school students to seriously consider working in public services and expressed extreme dismay at the 1988 statistics provided by Harvard, where he went: out of 575 graduates, 29 or 6% had jobs in public service.

Dukakis spoke on the legal and social developments in the 60's and 70's: the civil rights movement, helping efforts and increased legal services for the poor, and the recognition of the constitutional right for indigents to be represented, which received public service effort. The Vietnam war and Watergate, however, sapped the country's resources and created conflicts which further radicalized the nation and led to destructive situations in cities. Nonetheless, the Governor stresses that the U.S.'s role in the world is to provide leadership, to be a beacon of inspiration in terms of democratic values, and that we should all strive to contribute to furthering these ideals.

During the Question and Answer period, the audience naturally asked questions about his experiences during the Presidential campaign and the (then) current local campaigns. When asked what it takes to "make it" in politics, he said, "Well, I'm not the right guy to ask, but he said that the qualities required are 1) steadiness, 2) you have to like politics and 3) you have to be good at coalition-building."

Discover the Office of Student Affairs

and Get to Know the Well-Connected Monica Coen

By Anthony S. DiNota

Like the undiscovered restaurant in the East Village that is tucked away from glitter and noise on some quiet, tree-lined sidestreet, so too sits the Office of Student Affairs (OSA) up on the mezzanine of 57 Worth Street, far removed from elevator lines and day students complaining to the registrars and dean about the lack of elevators.

OSA is responsible for student perks and services that take you away from the everyday grind, kind of like the "attitude to civilization" for NYLS students, (kind of). The person to get to know is the Assistant Director, Monica Coen, who at times, it seems, functions like the Assistant Director of the Ministry of Tourism and Information. Ms. Coen can get you student discounts to Broadway shows (including Cats, Rumors, and Steel Magnolias), free passes to the television show "Prime Time Live" with Dianne Sawyer and Sam Donaldson, as well as to various publicized concerts at Lincoln Center. Ms. Coen also informs you of legal writing competitions (which offer prizes of $1,000 or more) and an invitation to a national convention, awards and fellowships.

Ms. Coen coordinates the Student Advisory Program (SAP), which seeks upperclass students to volunteer their perspectives and hints to incoming first years. She is an active liaison between student organizations and administration. She also writes the OSA Newsletter, published every other week, available at the lobbies of A and C Building, which informs students of events and happenings at NYLS.

Ms. Coen wonders whether students are aware of the services provided by OSA, or that they're just not interested. She politely disclaims that her office has anything to do with internships or clerkships. The person who handles those things, Joyce Reinecke, also happens to share an office with Ms. Coen.
Waiting for Death In Panama City

by Phillip Syropoulos

She found him dressed in uniform, hunched over his beloved writing table. She smiled as she remembered how proud he was when he graduated from the academy so many years ago. How his father had hugged him with tears streaming down his cheeks, and how he had saved two months’ earnings from the store to buy him the beautiful brown oak table “so you can write on it as often as you want and it will never wear down.”

“And so you can bang your head on it when you make mistakes as many times as you want!” raged his dirty-faced little brother as he ran behind mother, adding, “Except the table will break before your head does!” as he was chased around the yard, caught, and tickled by his older brother until he could take no more.

She hated to wake him up but she somehow knew today was an important day for her husband. For weeks he had been away from the house. There had been long stretches of time when he would not even stop in for dinner and she would stay up all night waiting for him in vain. He is a major now, she thought, “may be I am not so sophisticated enough for him” and she cried until she fell asleep.

Then when he finally did come, his wary brother until he could take her hands. There had been long nights waiting for him in vain. “He is not so strong!” she thought. Yet he walked into her womb with joy and relief. The little time he had spent at home was full of love and closeness. But it was an unsettling closeness, as if he was trying to tell her something, as if it was coming to an end. Yet she knew she would have to be silent, she knew the man she loved too well. That’s why she was terrified.

“Moises” she whispered as she lightly placed her hand on his shoulder. “Moises, I think you must wake up now!” she whispered again and kissed his cold forehead. He stirred and, after a few moments delay, jumped up out of his chair and stood up straight, with a frightened and confused look in his eyes. He stood there, looked around, looked at his wife, and finally relaxed his tense body soon after he saw the warm smile on her face. He let out a sigh of relief. “Good morning Moises,” she said as she greeted him with a hot coffee she had kept warm in the fire. He looked at his watch, “Is it five thirty already?” she looked at him and her smile faded, today was the day. “You look like you haven’t had enough sleep again Moises. You should take care of yourself better” she looked down at the floor, trying to avoid his tired eyes. “I am still as strong as a bull!” he shouted as he put one arm below her knees, and another behind her back and scooped her up, twirling her around, encouraged her childish screams of delight. She suddenly started to cry, and he slowly put her down again. “What’s wrong Muñeca?” he asked, holding back a flood of tears. He was happy for her silence, for if she responded he would not be able to hold back. All his affection, all his fears, all his feelings would pour forth, and she would undo all that he had hoped for. He somehow regained his strength, as he had done so many times before, and gently embraced his sobbing wife.

The strength entered her, and she stepped as suddenly as she had started. She kissed his forehead again and walked over to the chair, moving it back, inviting her husband to sit down with the gesture. He followed her and after hesitating a moment to look at her wet, dark eyes, sat down in front of his father’s oak table. His pistol’s cartridge was still out and half filled, with the remaining bullets scattered across the table. He had fallen asleep during this effort, trying to occupy himself during a long and anxious night. He resumed filling the cartridge, and with every bullet’s click, his fears and apprehensions ebbed out of his body, yet with every click his wife’s heard grew weaker and empty.

“He resumed filling the cartridge and with every bullet’s click, his fears and apprehensions ebbed out of his body, yet with every click his wife’s heard grew weaker and empty.”

The Opulent 80’s: A Look Back

by Barry Block

As we prepare for the 90’s, we nostalgically look to characterize the past decade. Although each of us will inevitably maintain our own special memories of the 80’s, some collective experiences affected us all. The following list is not intended to be exhaustive, but rather to reflect some of the flavor of these past 10 years.

Movies - E. T. The Big Chill, Hollywood Hype
The Big Leisure, (HBO), Hollywood Hype (Batman) Hollywood Hype (Howard the Duck), Kathleen Turner, & Meryl Streep
Hoffman/ Jack Nicholson/Tom Cruise/Harrison Ford Serials
Rambo
Personnel - Legal - Robert Bork, Barry Sheck
Art - Andy Warhol
Crime - Willie Horton, Lolda Halsey, Ollie North
Sex - Jessica Rabbit, Mel Gibson
Politics - The Abortion Controversy (Pro Life vs. Pro Choice)
The Middle East (Iran-Iraq War), Negative Campaigning (Dukakis in a tank) Jesse Jackson
(Dreams are made of this) (Drugs (crack) & Crime (Wilkng)

Comedy - David Letterman, Joan Rivers
Robin Williams, Whoopie Goldberg
Eddie Murphy, Goodbye to Lucy

Science - The Challenger Explosion, A.I.D.S.
Home Computers (Lotus anyone?)
Pollution (ozone holes on the beach)

Puffy’s Tavern
81 Hudson Street, Corner Harrison Street
Lower Manhattan 766-9159

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Where America Begins

by Bill Bischoff

A Pacific Island woman asked me why there are wars. She had been hurriedly married during World War II. At the time, the Japanese were evacuating the Catholic priest from the island of Guam. Guam's Japanese parents had migrated in the 1930s. If she were not married, she would have soon become a virtual fiefdom. That is, like everyone else, she would have had the right to own land, to operate businesses, to control her own destiny. She had no misgivings about marriage, but she had had no real choice in the matter. War, American war, still preoccupied her.

"This woman reminisced that her husband had been a patient man, before the repeated beatings by the Japanese."

We talked often; she called me her American friend. The youngest of her three children, she called me the local parish school. I had stopped by the house one day after school, learned she had had Japanese neighbors helping with the housework, and thereafter became a regular visitor.

The island of Guam, her home, is a Trust Territory of the United States, having been captured in 1899 in the Spanish-American War. Most of her grandparents never had any say in the matter. In any event, they preferred American to Spanish rule. Who wouldn't have? Most of our ancestors migrated to America in order to be ruled under American law.

I was always referred to as an American woman. Her first language was Guamanian, but her fifth year of formal schooling had been in Japanese, on Yap before she moved to Guam. She spoke a little Yapese, too. After she had moved back to Guam, after the war (the Yapese demanded that all other racial groups be relocated), she had learned English from her children. I would speak in pidgin Guamanian and she in measured, self-conscious English.

To some extent, I had spoken to her only with respectful deference. It was my personal strategic objective, so to speak, to talk to her as though we were old friends, a dian of the seniors. Now I came to her kitchen as much for our running conversa- tion as for a few words with her daughters. I told her impulsively, if haltingly, in Guamanian, that wars are caused by those who already have life's necessities, who, instead of sharing, decide they need some- thing others have, too.

"This woman reminisced that her husband had been a patient man, before the repeated beatings by the Japanese."
situation. But at least statesiders know they have the right to vote for President.

That is enough. The federal government is the most significant political force in our lives. Guamanians are facing the possibility that they will never have the right to vote for President, only the right to be drafted. Many feel, perhaps justly, that they should make themselves superior to white interlopers like me on Guam, if they are to remain second class American citizens otherwise.

This woman did not want to see Guam become a Commonwealth because that would effectively preclude her gaining the right to vote for President. On Guam, if they are to remain second class American citizens otherwise. She said she would instead like for her and her children to someday be able to vote for President.

It was American policy in the years following World War II, as expressed in the Solomon Report, to make Guamanians and other islanders economically dependent on American welfare. That way, the strategically located islands could be used in case we fought a future war for human dignity, against Russia. Why are there wars?

Wringing her hands, she turned from the sink. It was the First Friday of the month; she was going to rest before five o'clock mass. She declared that to live under the Americanos is still the best thing. At least under the Americanos she can practice her religion freely and that is more important than being able to vote. She said that you probably cannot stop wars by voting anyway, but that maybe you can by praying.

I did not disagree with her, at least not openly. She might be right. Still, I cringe to know that voting actually can make a difference. It is what making the world safer for democracy is supposed to be all about. The right to vote is the essence of our American Revolution. In Communist countries, like China, people are castigated and killed for being "counter-revolutionaries." Anyone who would balk at extending to all Americans the right to vote is surely a counter-revolutionary American.

The people in Washington, D.C. attained the dignity of the right to vote in 1961, even though Washington, D.C. is not a state. Some people, like this woman, do not lack dignity either way. As a white American, I often feel a little like an ambassador for my country when I sit at a Guamanian kitchen table, even though Guam is on American soil. I am the one who feels undignified whenever I must apologize for America's revolutionary ideal ingloriously retreating on American soil.

6 Out of 6!

BAR/BRI enrollees were prepared for all six of the six essays tested on the Summer 1989 New York Bar Exam. All the issues were covered in class and through the BAR/BRI course materials.

In fact, one essay question in the BAR/BRI testing volume appeared almost verbatim on the exam.

Strangely, one bar review course recently "bragged" in its newspaper ads that it covered three of six essays tested!

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Roving Reporter
What do you think of the 80's?
What do you predict for the 90's?

A. Ron Rudolph
Class of 1991
1980's: Corruption.
Too much emphasis on making more money.
Death of disco & a lot of loans
1990's: Employment.
Financial rewards from law school.

B. Bob Nourian
Section B
Class of 1992
1980's: Corrupt.
Too much emphasis on making more money.
Death of disco & a lot of loans
1990's: Employment.
Financial rewards from law school.

1980's:
- Corruption
- Too much emphasis on making more money
- Death of disco & a lot of loans
1990's:
- Employment
- Financial rewards from law school

Maria Colonna
Section B
Class of 1992
1980's: Everyone is too influenced by media. Everyone tries to be individualized but in reality they’re not individual. For example, people in the village try to be different so they ALL dress in black.
1990's: Same thing but worse.

1980's:
- Everyone is too influenced by media.
- Everyone tries to be individualized but in reality they’re not individual.
- For example, people in the village try to be different so they ALL dress in black.
1990's:
- Same thing but worse.

Anne Aycock
Class of 1991
1980's: Was supposed to be the “We” decade. Unfortunately it was not.
1990's: Hopefully we will replace it as such. That instead of being Americans, Africans or Israelis . . . that in the 90's we'll become “Humans.”

Laura Large
Section B
Class of 1992
1980's: Decade of independence. Yet we went back to traditional values of past decades.
1990's: Continuing to return to traditional way of living. But in terms of race, sex, and economy are becoming more like people and less class categorical.

1980's:
- Decade of independence.
- Yet we went back to traditional values of past decades.
1990's:
- Continuing to return to traditional way of living.
- But in terms of race, sex, and economy are becoming more like people and less class categorical.

Todd Rothenberg
Class of 1990
1980's: “Greed Decade”
Decade that made money too great a value in society.
1990's: I predict more of the same thing, or the total opposite. But if I had to choose one I would say that the greed will get worse.

1980's:
- “Greed Decade”
- Decade that made money too great a value in society.
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- I predict more of the same thing, or the total opposite.
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by Noam de Plome

In the last article it was established that the founding Fathers' idea of equality was not anywhere near the modern liberal vision. In fact, the idea was translated into nothing more than political equality. A belief in this idea was translated into nothing more than political equality (i.e. those based on class or wealth). It did not form the basis for any reformist social agenda. If one considers that the Constitution was framed by an Earl of the British aristocracy, and that the Founding Fathers' ideas were more concerned with the maintenance of status for the privileged classes, then one might be tempted to conclude that the government has a duty in many respects to intervene to achieve social justice.

The first question that arises from the above discussion is whether it is proper to conceive of government as having any moral duty? Government is essentially an artificial creation representing the interests of those who created it. If the mass of people responsible for government's creation meant for government to have some obligation, when such an obligation is justified.

People in general would agree that government does have a duty to be fair. However, there would be no general consensus as to what duty entails and how extensive it should be. There can, nevertheless, be some agreement as to some points about what fairness involves.

Fair treatment and identical treatment are two different concepts. Sometimes, being fair means being identical, whereas at other times it means treating them differently according to their situation. In order to maintain social harmony, it is necessary to have a consistent notion of fairness, it is first necessary to purge this silly idea of natural equality. No two people, no two races, no two groups of any sort can possibly be potentially equal.

Is it fair that a social structure whereby different people are given different awards around the world develop merit (i.e. the back grounds of some groups are more "privileged" than others)? There is no consent that many social practices are unfair and that such practices prevent the realization of true equal opportunity, which is the same as fairness. Unfortunately, committing oneself to the goal of true equal opportunity is easier said than done. Disagreement still inevitably arise as to a host of issues. How extensive is the government's duty to create the true equal opportunity? Does it warrant an invasion into private realms? Does it warrant reverse discrimination? How effective is government intervention in curing unfair social inequality? A general notion of fairness loses its utility at this point because many important countervailing considerations come into play: for instance, burdens placed on the government, burdens on the private person, cost versus benefit, peace and order—just to name a few.

Will it not be able to address all these issues in an arbitrary way? If we (as a society) will commence a discussion of whether government action—as advocated by liberal—has any significance in its own right (as well as inmittel unfair social inequality?)

Can government do anything towards the abolishment of unfair social inequalities? In the first place, the interests of minorities and other disadvantaged classes do not have adequate political representation. The liberals who claim to be their champions are either "feel goods" who bath in a vat of lofty intentions while lacking a true understanding of the causes of inequality, or they are plain hypocrites. As an example of the latter, consider that during the 50's and 60's all three branches of the federal government acted in union to impose a liberal desegregation agenda in the South, yet when the same issue hit closer to home up in the North in the form of busing during the '70's, there was heated discord all of a sudden. (There are countless examples of how I which I don't have time to give; but I strongly urge a reading of a biography of Lyndon B. Johnson to show more.

The futility of attempts to cure unfair conventional inequalities is a more important point to be made. Consider that every society that has ever existed has some hierarchy that was not strictly based on merit or contribution. Consider also that communist societies have a notion of perfect equality, even with totalitarian means at their disposal, nevertheless maintain unfair social inequalities. In order to maintain that government intervention results in substantial progress towards achieving fair social practices is not a realistic one. One should consider the nature of class structures and how hierarchies are perpetuated: Certain conventions practiced on an intimate scale in interests in maintaining power and order. It is natural for those in favored positions to meet out favors and opportunities to their own kind—namely their friends and relatives who usually comprise a racially homogenous lot.

Although liberals may have some understanding of these conventions, they under estimate their importance. They also have too much faith in their solutions and in human nature generally, a faith which believes that prejudice and racism can effectively be abolished from people's minds. The next article will involve a particular discussion of liberal laws and policies and their short-comings.

"No two people, no two races
no two groups of any sort
can possibly be potentially equal."
BEST WISHES for the holidays and good luck on final exams!