Students Demand Retention Program

by Douglas Bern

Under the shadow of a discrimination suit filed last month against NYLS, the Black and Latino Law Students Association (BALLSA) held a meeting, Thursday October 20, with members of the faculty, administration, and student organizations to discuss the development of a student retention program.

The suit was filed in federal district court by the Puerto Rican Legal Defense and Education Fund, and two minority students who were dismissed from NYLS for academic reasons. The suit alleges that “the law school intentionally discriminates against such students in its practices and procedures relating to academic dismissals.” It further says that the lack of a student retention program, in particular for minority students, is part of the school’s alleged discriminatory practices and procedures.

The meeting was called by BALLSA to discuss the possibility of a retention program at NYLS, in light of the pending lawsuit.

The meeting was attended by roughly 50 students, by Dean Pro Tem James Simon, Associate Dean Margaret Beam, Associate Dean Edward Samuels, and Professor George Armstrong, a member of the Academic Status Committee. The Committee reviews and makes recommendations concerning academic probation and dismissal of students.

Deanna Rodriguez, Chairwoman of BALLSA, immediately stepped aside and invited Simon to conduct the meeting. Simon explained that, in his view, the meeting was not to be a discussion about implementing a retention program, but rather an opportunity for the students to express their ideas to the administration.

This was not the impression of most of the student organization leaders. They thought the purpose of the meeting was to discuss a retention program.

Simon said that he was “not here to implement a student retention program” at this time, because the school would not be able to do so “while litigation is pending.”

Controversy Over Ranking System

by Mara B. Levin

Controversy and confusion have brought about a recent recommendation for a revised student ranking policy issued by the NYLS administration.

In recent years, the policy of this school has been to rank students on an annual basis, with an additional rank after their fifth semester. According to the present recommendation, students will be ranked only at the end of each academic year.

The September Full-time Day and Part-time Evening students will receive their rankings in their respective classes upon completion of each academic year. At the end of their third year, these students will receive an additional ranking which will be determined by combining both classes graduating that June.

The January Mid-Year Admissions (MYA) classes will be ranked at the end of each academic year. Graduating MYAs also will receive an estimated ranking with the class that graduated the preceding June. When the January entering class is smaller than 35 students, each year they

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Discrimination Alleged In Lawsuit

On September 27, The Puerto Rican Legal Defense and Education Fund and two former NYLS students filed a lawsuit against the school. They allege that the school "intentionally discriminates" against minority students in its procedures relating to academic dismissals.

The two students are Judy Ocasio and Nizar Bravo, both of whom were dismissed for academic reasons. Ocasio was dismissed during her second semester, Bravo after her first year. The Academic Status Committee, found there were insufficient grounds for allowing Ocasio and Bravo to return to NYLS.

The complaint alleges that NYLS has taken affirmative action to encourage black and Latino students to apply to the school, but has failed to adopt any standards or programs to assure the retention of these minorities. One of the specific allegations in the complaint is that NYLS has no retention, counselling, or other support services.

The suit is a class action brought under 42 U.S.C. Section 1981. The plaintiffs claim that minority students are "being dismissed in record numbers for academic reasons because" law schools "have not developed plans to assure students retention." They said that this suit was brought against NYLS "as the first institution challenged to provide standards for retention of these minority students."

Also, Loretta Szaro, a non-minority student dismissed for similar reasons, has filed a lawsuit against the school. No other details of her suit were available at press time.

Placement Search

The search for a new placement director has heated up. To date 75 people have responded to advertisements placed in The New York Times and the Wall Street Journal. Of those, six have been interviewed. Professor Bruce, Chairman of the Placement Committee, said that a placement director may be selected by the end of the semester.

Slacking Attendance

As a result of some students losing their right to take final exams because of a lack of attendance recently, the Simon administration has posted a notice to remind students of their obligation to attend at least ninety percent of their classes.

Professors report excessive absences to the administration: (b) a strict attendance policy being imposed upon the students; or (c) removing the certification problem from the students and, as at Columbia Law School, have the administration sign a certificate for everyone, eliminating the need for the administration to ever again have to drop a student from a class.

The dilemma for the school is that under alternatives (a) and (c) someone may be potentially lying to the Court of Appeals of New York, which has set this rule on attendance. And, there is expected strong opposition to alternative (b) both from students and faculty.

While there is an informal discussion of these alternatives among the faculty and administration no serious reassessment is occurring at this time.

Campaign '84

On November 7, Justice Randall Bluth of the Phi Alpha Delta fraternity announced his candidacy for President of the Student Bar Association. The announcement came in the form of an article in the New York Times.

SBA Allocations

On Wednesday, November 2, the Student Bar Association Senate approved this year's budget allocations for the student organizations.

The budget recommendations were made by the SBA Budget Commission, based on the requests of the organizations, and on the availability of funds. The members of the commission are SBA Treasurer Mark Halpern, and Senators Abby Friedman, Richard Mackiewicz, Caryn Golub, and Debbie Harter.

Many of the organization budget requests were substantially reduced. This is because the SBA has limited resources, and some of the requests were against SBA Budget Policy. For example, the SBA does not allocate money for postage or other services or supplies that organizations can get from the school.

If an organization needs money in the future for a specific event, or for a reason not provided for in the budget allocation, they can approach the SBA Budget Commission for more funds.

The allocations are as follows: Black and Latino Law Students Association, $375; Media Law Project, $375; Legal Association for Women, $350; International Law Society, $310; Environmental Law Society, $220; National Lawyers Guild, $200; Phi Alpha Delta, $200; Lesbian/Gay Law Group, $130; Urban Law Society, $50. The allocations totaled $2210. The SBA currently has a budget of $3000.

Deficit Proposal

On November 8, President Cornell Edmonds of the Student Bar Association announced a proposal to change the structure for financing student organizations. The proposal is expected to be introduced as a resolution at the next SBA meeting.

At press time the details of this proposal were unavailable but, according to Edmonds, it will include a new deficit financing procedure. More information can be obtained by contacting either your senator or Edmonds through the SBA office in room 101 in "C" building. Edmonds commented that he would appreciate any and all input students would like to give on this subject.

Talk On Grenada

On Wednesday, November 2, Professor Edward McWhinney of Simon Fraser University, Vancouver, Canada and former visiting professor of law at NYLS gave a talk on the topic of U.S. intervention in Grenada and its implications for East-West relations.

McWhinney declined to categorize his nation's position on Grenada, but said he believed there was little legal justification for the intervention.

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Simon Reflects: Perceptions And Accomplishments

by Douglas Bern

James F. Simon, Dean Pro Tem of NYLS since March 1982, was his constant as the twelfth Dean of the school when Eugene V. Rostow is invested as Dean on January 17, 1984.

Simon assumed the Deanship at an interesting time in the history of the school. E. Donald Shapiro, Dean for ten years, was facing criticism from the school community and negative evaluations from the New York State Attorney General's office, about his management of NYLS; despite having brought the school to a point of financial security.

Presently the institution is seeking re-accreditation from the ABA. The faculty has become very active in the governance of the school; the student body has indicated that it wishes to have a greater voice in an institution that affects their academic lives and their careers after graduation.

Simon, a professor of Constitutional Law before and during his tenure, received his undergraduate and Law degrees from Yale. He was the Law Special Counsel before and during his tenure, and as Dean, he had a brief tenure as Dean Pro Tem. The Advocate has asked him to discuss his perceptions of and his accomplishments at NYLS.

QUESTION: Your selection as Dean Pro Tem has been viewed by many as the manifestation of the strong will of the faculty. What is the current role of the faculty at NYLS?

ANSWER: I think it's certainly true that I'm only in here because the faculty wanted me here. And that suggests a strong role of the faculty. I think in recent years the faculty has taken an increasingly active role in the governance of the school.

Q: Can you describe what your primary duties and responsibilities have been in this interim period?

A: Because this is a free-standing, independent law school, the Dean has duties that the Dean of NYU or Columbia or Fordham does not have. As Chief Executive Officer, that means that the Dean has final responsibility for budgetary matters, for academic matters, for administrative matters. He is in charge of the Board.

Q: Have you had a free hand compared to prior Deans? Are you working with any specific committees of the Board of Trustees?

A: Well, this isn’t a free hand. I think we have a Board of Trustees that is very active and they have asked me to discuss my perceptions of and accomplishments at NYLS.

As Simon prepares to step down from his brief tenure as Dean Pro Tem, The Advocate has asked him to discuss his perceptions of and accomplishments at NYLS.

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Justin Levine

If you have made a difference. I know the quality of the students who came here this year is very high. I cannot take any credit for that directly. I think that we’ve done quite well in a highly competitive academic market.

A: I wish I could tell you that I had a ten-point plan when I came in March, but unfortunately I didn’t. So it would be misleading to say I knew exactly what I would be doing as Dean Pro Tem. I'm not even sure that the faculty knew exactly, precisely what I would be doing. I think we knew together that some important things had to be done even in this interim period.

And, I think, by and large, we’ve accomplished what we set out to do. The first order of business I think was to bring stability and a spirit of cooperation to the institution. I think I have achieved that to a great extent. There’s no question that it’s not perfect, and there are grievances at all levels. I’m sure; but there always will be, it’s just the nature of any educational institution.

I think that this stability has helped in making this school very attractive to Dean Rostow, to prospective faculty members, to prospective students. But I think that there is a sense that not only have we taken stock in terms of a stable environment, but we are really poised to move forward in progressive ways.

Secondly, we recruited very heavily for our faculty this year. I think we have very good people, and we’ve recruited very well over the last couple of years. In terms of recruiting students I think that the fact that the place sort of came together may have made a difference. I know the quality of the students who came here this year is very high. I cannot take any credit for that directly. I think that we’ve done quite well in a highly competitive academic market.

Q: What do you see as the law school’s main needs?

A: We’ve got a faculty study due at the end of the year. One can see that we’re terribly pressed for space in the library. We’re very pressed for faculty offices. Support services are very pressed. I haven’t talked to Cornell Edmonds about it, but I will talk to him he’s going to say that the student organizations are very pressed. Clinical space is good. Student publications are a little bit pressed.

So, across the board, I think we’ve done as well as we can do with the facilities we have. But, I think probably there’s going to have to be some more planning and additional facilities.

(continued on p. 14)
Faculty Placement Committee
Hard At Work

by Steven Sanabria

It's a tough row to hoe in the job market these days, but we at NYLS have someone in our corner. The Faculty Placement Committee is, and has been actively involved in the process of opening doors for NYLS students scrambling for jobs in an increasingly competitive market. Without the savvy and contacts needed to tap this legal job market, students and graduates may not be able to find adequate, congenial, prospective employers.

The Committee is composed of NYLS staff, students, faculty and administrators. It plays an essential role in the final preparation of the student prior to his entering the job market, according to Committee Chairman Professor William Bruce. Over the past two weeks, committee members, and Amy Grossman, Assistant for Student Affairs, have been helping students refine their resumes for judicial clerkships.

Once a Committee member has reviewed the resume with the student and approved it, the Committee will grant official administrative endorsement to the student. Thus, the Committee can feel confident that they have sent a qualified candidate into the legal community.

The Committee is working with Assistant Dean Lucile Hillman of the Alumni Committee to establish a strong networking system to serve NYLS and graduates. Bruce stated that the alumni ties were, "growing in importance, as often hiring partners of law firms will simply ask NYLS alumni if there are any more like them back there (at NYLS)." Recruitment through referral will often save the hiring partner from reading through some 2000 resumes.

The Committee has also updated a non-discrimination guideline (see the October 10 issue of The Advocate) which prohibits prospective employers from recruiting on campus if they practice discrimination based on any non-job-related reason. When questioned on the need for the guideline revision, Bruce responded, "The faculty should be sensitive to the legitimate grievances of students; not only those of the majority, but also those of the substantial minorities and sympathetic others." Apparently, the major culprit in employment discrimination on campus has been the military, which has been known to have a bias against recruiting older lawyers.

The Committee consists of Bruce: Professors Michael Botein, Alice Cunningham, and Arthur Leonard; Associate Dean Margaret Bearn, Hillman, and Acting Placement Director Kukla Broekman participate in meetings but have no voting rights. Also on the committee are three students: Kathleen Dussault, Phillip Essig, and Manuel Ortega.

Cerruti Optimistic About Tenure Decision

by Paul A. Friedman

Professor Eugene Cerruti, who has been teaching the Criminal Defense Clinic, and, alternatively, Criminal Law, Criminal Procedure and Evidence, is presently being considered for tenure by the Faculty Tenure Committee. A decision will be made no later than the end of this school year.

"Five criteria are employed in evaluating the record of the candidate's performance," according to the Standards and Procedures for Tenure, Promotion and Reappointment Manual. They are: 1) quality teaching; 2) publication; 3) contribution to the betterment of the school; 4) service to the profession and the public; and, 5) professional integrity. The rules do allow for "reasonable flexibility," and "balancing" is used "where the case requires greater responsibilities and contributions in one area against lesser responsibilities ... in another."

A petition has been circulated by the Criminal Law Society to aid Cerruti's chances of receiving tenure. The Society's president, Stephanie Kaplan, said they believe that there will be some difficulty in Cerruti gaining tenure. Cerruti believes their actions to be ill-advised and potentially detrimental.

"I told the people who are putting forth this petition that I didn't think it would be a good idea and that I would prefer that they didn't do anything like that," Cerruti said.

"I very much appreciate the concern of the students," he said, "... but, I do believe that the majority of the tenured faculty ... are prepared to treat my application fairly and to take into account my teaching responsibilities here as it bears upon the quantity of my scholarly output."

The Society, Kaplan has said on more than one occasion, is afraid Cerruti may not meet the publishing requirement. Cerruti acknowledged that his dual responsibilities make it difficult to publish but he felt that his colleagues understand his situation. He did point out, however, that a number of new works of his will be appearing this year.

Cerruti, who came to NYLS in the fall of 1976, emphasized that he was optimistic about the results and that he very much wanted to continue his "split-job" of classroom and clinic work. "This is something that would not be available to me at many other law schools and I am very happy it is available to me here," he said.

Professor B.J. George, Chairman of the Faculty Tenure Committee, refused to make any comment on the matter.

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Thornton: Perspectives
On The Future

by Paul A. Friedman

The Board of Trustees is rarely seen or heard from by the student body even though its role in the operation of NYLS is so powerful. In an attempt to bridge the communications gap, The Advocate presents the second part of its interview with the Chairman of the Board of Trustees, John V. Thornton.

Born January 13, 1924, Thornton attended St. John's College from which he graduated magna cum laude with a B.S. After he graduated from the U.S. Naval Officers Training School and the U.S. Navy Technical Radar Training School, he attended and graduated from Yale Law School. He was awarded the Order of the Coif and was Editor of the Yale Law Journal.

Since that time Thornton has authored a textbook on Torts and numerous business and law-related articles. A former Adjunct Professor of Law and Associate Dean at NYLS, Thornton is presently the Senior Executive Vice President and Chief Financial and Legal Officer of Consolidated Edison Co., Inc. We remind our readers that Thornton is not necessarily speaking for the entire Board when he expresses an opinion.

QUESTION: What are the long term goals of NYLS?

The Alta examination is used to promote Nylns and to ensure that students are prepared for the multistate examination. The correct answer is (A) exclude the question because of the attorney-client privilege.

Q: Would you estimate what kind of financial position this school is in, in terms of figures?

A: The school is now, in terms of the operating budget for the upcoming year of '83-'84 we operate on a fiscal year ending June 30 — precariously in balance. In that, the funds we take in, what we call our operating funds, will just about meet our operating expenses for that period.

We have, in terms of funds of endowment and quasi-endowment — by quasi-endowment I mean funds that are not necessarily legally earmarked for any particular program, but that they're available for any legitimate use — we have roughly 12 million dollars. It's not enough but it's substantial.

Moreover, we earn roughly ten percent, so if our operating funds stay in balance with our operating expenses we are getting about a million-two. This could be added to what we have, or should we run into a problem balancing our operating budget, it could be used to balance the operating budget. So, we're not flush by any means, but we're not facing what some schools are facing: a deficit position.

Q: On another aspect of our future, what do you expect of our new dean, Eugene Rostow, in terms of the administrative and intellectual workings of NYLS?

A: I know that he is interested in a very vigorous intellectual program. However, I'm not really certain how that would be implemented. What we're talking about here is making the legal education at the school an in-depth education. We're already moving in that direction and Dean Rostow, in my judgment, will be continuing that tradition.

Administratively, I expect that he will be doing a substantial amount of fund raising and making contacts with organizations such as the ABA.

Q: Do you expect those contacts and others he has made over the years will help the school's placement ability?

A: I would think so. It seems to me that we have in Dean Rostow an excellent bridge to what I would call the prestige legal community of New York and, indeed, the United States.

I also see him in the role of mentor or role model for our faculty. We have a very good faculty, but we have a very young faculty. We have many persons who are promising as scholars and great teachers. They simply have not yet had the opportunity to develop because in the last ten years, I think part of Dean Rostow's role will be to help build this faculty, to put it together, and to see that its operations are consistent with those of the great law schools.

Q: Now that we're on the subject of placement, what are your views on a new placement director? Do you support increased funding for this department?

A: Our policy, so far as administrators and faculty are concerned, is that we're prepared to pay the going rate for getting top-flight people.

In the last ten years, we have made substantial upgrades in faculty and administration salaries so that there is no great gap in our salary structure as compared to the salary structures at other law schools. We're very competitive.

If there's a problem here it's an idiosyncratic problem. Certainly we are prepared to commit whatever resources are necessary and commensurate with what other schools do.

Certainly, we ought to pay and we're prepared to pay a competitive salary. Certainly, placement is a very important function of law school today and we ought to pay and will be prepared to pay what's necessary to have a proper placement department.

Q: Where do you stand on the question of affirmative action in terms of hiring professors, accepting students, and retaining students who appear before the Academic Status Committee?

A: My fundamental view is that, yes, the school should be involved in affirmative action. There are great differences among law schools and we are not unique in that respect. The minority populations are underrepresented in law schools and, indeed, in all professional schools, but not to the great extent it was in terms of minority populations. So, certainly, we ought to be making efforts to recruit minority students. Within limits, I think it is reasonable to give some consideration in the admissions process to minority students. One is not hidebound by LSAT tests in measuring the potential of a student. If a student comes from a deprived background you may want to look at other criteria. I'm against imposing a quota system, but I think we can give consideration to a person's background within the traditional process of admissions.

Q: Does that extend to the Academic Status Committee?

A: Once a person has been admitted to law school, it seems to me that uniform standards ought to be applied. Uniform may not mean absolute. Uniform may certainly mean that you cannot apply to a person's background within the traditional process of admissions.

Q: Presently, what do you believe to be the greatest weakness of the law school?

A: That, to me, is Where do we go from here? The school has come forward enormously in the last ten years, and in the Dean Shapiro regime the school advanced enormously. It's an entirely different institution than it was ten years ago. It's a much better institution in terms of student body, faculty, and physical plant.

There's been great movement forward. The school is well up in the hierarchy of American law schools. We're probably at the bottom of the top third in terms of facilities, student body qualifications, admissions, and the like. We're in a very respectable position.

(continued on p. 15)
Dr. Charles Clements describes his experiences in El Salvador.

Dr. Charles Clements speaks at a law school event in New York City.

“Hunger,” Clements said, “is the key issue in Central America.” He offered statistics to show that in 1980 one percent of the people owned 20 percent of the arable land and in 1980 two percent owned 60 percent. As tenants, the peasants must pay a substantial portion of their crop to the landowners. Thus, they are faced with the dilemma of either feeding themselves or paying the landlords or moneylenders. This “misery due to greed,” Clements said was the basis for the revolution.

Although the Salvadoran Government claims it is engaged in land reform, in fact Clements argues, it is not. Land reformers are murdered. There is no fertilizer available. Agricultural cooperatives are forced to pay bribes to the army for protection. The Salvadoran Government erroneously claims its programs are giving land to the peasants.

Clements demonstrated that the official Salvadoran statistics are inflated. Those who had applied or would have applied for the land were counted as land recipients. That number was multiplied by six, which is the average size of a Salvadoran family. Clements said the actual number receiving land is roughly 10,000.

One of the aspects of the revolution has been the emergence of “control zones.” These zones consist of agricultural labor. The cooperatives “prioritize” the output of the society by giving to the neediest first, Clements said. For example, the milk is given to the ill and the protein-rich fish is given to the manual laborers.

Priests and leaders of the agricultural, health and other cooperatives have led the non-violent opposition, said Clements. He added that some of the opposition’s leaders have been murdered.

Clements stressed that U.S. economic aid is given on the condition that numerous murders by the right wing death squads be investigated and prosecuted. No one has been brought to trial for these murders. Clements asserted that in the “control zones” similar murders have been investigated.

Entry of government soldiers and death squads into the zones is resisted by the inhabitants. Clements mentioned one invasion into one of the zones that apparently cost the U.S. taxpayer $5 million and netted the Salvadoran Army only five rebels. Clements was silent on the rebels’ operation within the zones. He stressed, however, that the rebels fought to win the confidence of the civilians.

Clements vehemently contested the American government’s view of the Salvadoran democracy. He showed that the elections were tainted by the requirement of an “election stamp,” by the registration requirement during the actual casting of ballots, and by the use of glass ballot boxes. Implicit in the “election stamp” was the threat of death if one did not vote.

The American press, Clements said, accepted the U.S. administration’s view of the legitimacy of the Salvadoran democracy. He noted that the threat of violence kept the press from covering many events.

According to Clements, the Salvadoran medical system has been severely devastated by the war. Hospitals have been shut down or destroyed. Doctors and nurses have been killed. He told of his own inability to secure medical supplies. He told stories of people, including an American, being killed for carrying aspirin, Alka-Seltzer, boot oil, and diapers (used as bandages). Clements concluded by stressing his desire for the American people to prove their independence from the current administration by sending needed medical supplies to the Salvadoran people.
Froessel Trials

by Sharon O'Leary

The 1983 Charles W. Froessel Moot Court Competition concluded on November 1 after the original 42 competitors were reduced to four finalists through a difficult test of writing and oral advocacy skills.

Ross Gnesin was best oralist. James Cavanaugh and Patrick McCormack won the award for best brief. And, Harry Weinberg and David Weiss were the best team.

In the Final Round, Weiss and Gnesin argued for petitioner, and James Clarity and Elizabeth Roussos argued for respondent. They argued before a panel of judges consisting of the Honorable Eli Wager '54, Justice of the Supreme Court of the State of New York, Nassau County and a Trustee of NYLS: the Honorable Vincent L. Broderick, Justice of the United States District Court for the Southern District of New York; and the Honorable Edward D. Re, Chief Judge of the United States Court of International Trade.

The purpose of the Froessel Competition is to give students an opportunity to develop their research, writing and oral advocacy skills. Carol Santangelo, Chairwoman of the Moot Court Executive Board, acknowledged that the competition demands serious effort, but stressed that the hard work is outweighed by the benefit of the experience. Roussos found the Competition to be "very worthwhile and a fantastically way to build self-confidence in those skills indispensable to every future litigator."

In the Froessel, each team prepares an appellate brief for either the petitioner or respondent following the format of the rules of the United States Supreme Court. This year's problem, prepared by the Moot Court Association, involved three issues. The first involved a claim by a professional promoter of fund raising events that a statute limiting the amount at could be paid, was unconstitutional. The second issue concerned the promoter's standing to bring the suit. The final issue was whether a trial judge should have assessed damages to the promoter's counsel.

The argument is equally divided between teammates. However, it is vital that all competitors be able to argue all sides of all issues. This is because as the competition progresses each participant may have to argue either "on brief", arguing the opposite from the writer's brief, or "off brief", any issue they did not write on initially.

Each team must argue twice, once on brief and once off brief. The surviving competitors advance through two rounds to the finals. The arguments are heard by panels of three judges. They consist of a mixture of alumni, professors, judges and members of the Moot Court Association. Each judge scores and critiques each of the competitors.

The written briefs are judged and a score is attached to them. This score, combined with the oral advocacy scores, determines those who advance. The Board noted that while the brief score is initially important, as the competitor advances the oral score becomes more significant in terms of advancement.

When asked what the competitors attributed their success, the overwhelming consensus was the correct choice of partners.

Professor Olympiad Ioffe speaking on "Human Rights in Soviet Law"

Soviet Scholar Offers Insight On U.S.S.R.

by Peter McGowan

and Robert D. Grossman

On October 11, Professor Olympiad Ioffe, Chairman of the Department of Civil Law at Leningrad University from 1966 to 1979, spoke at NYLS on the topic, "Human Rights in Soviet Law." The talk, sponsored by the International Law Society, drew roughly 80 people.

Ioffe was dismissed from his position when he gave the parental permission required under Soviet law for his daughter's emigration visa. He then lived in his dacha, or country home, isolated from his colleagues for a year and a half until his exit visa was granted.

Ioffe, one of the U.S.S.R.'s most prominent legal scholars, helped draft the legislative framework of the U.S.S.R.'s civil codes. He has written more than 30 books on law-related subjects.

According to NYLS Professor Serge Levitsky, Ioffe's writings are frequently cited by Soviet courts and legal writers. However, now his name is omitted from the citations.

Ioffe said that human rights in Soviet law don't exist, are impossible to prove or are of no value because they are formulated without the force of law.

Silent on Human Rights

Soviet jurisprudence is silent on human rights, Ioffe said, because of an inherent contradiction in the system. The Soviet Constitution, created in 1977, lists most of the human rights which are, Ioffe said, "fixed in the two international covenants ratified by the Soviet Government." In reality, these rights are without the force of law, he said. While it is true that Soviet citizens technically have these rights, they "can only be used in conformity with the Soviet state," he said.

The result is that the rights of the individual are superceded by those of the state. Unlike traditional western approaches, Marxist-Leninit doctrine denies the existence of natural rights.

"There is nothing natural in legal phenomena, and all legal phenomena are only social," Ioffe said.

The Soviet Constitution guarantees economic rights, such as the right to work. Ioffe warned that this right is not substantial. If a worker loses his job due to political reasons, he has no right to a jury trial.

Death For Selling Suits

During the talk Ioffe told a story of a criminal case heard by a Leningrad court some years ago. A Leningrad department store was well stocked with poor quality men's suits. They were of such poor quality that no one in Leningrad wanted to buy them.

However, there is a city one or two hundred miles from Leningrad where the people wanted to buy these suits. But, the department store in this other city had none of these suits for sale. A clever old man arranged to sell the suits that no one would buy in Leningrad, to the people of the other city. As a result, he became a millionaire and, soon after, was arrested.

The procurator who judged the trial recommended death. In his last words the clever old man said, "Why should I be punished by death? To whom did I cause damage? Who lost as a result of my ex­change? The Leningrad department store lost because they sold their suits? The people of the other city lost because they bought suits? I helped everybody and they would like to execute me. Why?" Ioffe said, "But, you understand, he was sentenced to death."
On October 20, the Black and Latino Students Association (BLLSA) held a meeting with the Simon administration and student leaders to protest the lack of a student retention program at NYLS (see: Retention Story p.1). What happened at the meeting was a lesson in disorganization and lack of preparation by BLLSA combined with a lesson in obsfuscation, co-option, and avoidance by the administration. First, the meeting began in confusion. Although BLLSA had called the meeting, the moment it began they abdicated all responsibility by failing to make an opening statement and by turning over control of the meeting to Dean Simon.

In our view the opening statement should have included a reference to the history of the proposed retention program, a history marked by years of discussion and inaction. Furthermore, at least one specific proposal should have been for the administration, faculty, and students to consider for immediate action.

The administration, now in control of the meeting, attempted to convince students that talking about their problem would be a significant step towards solving it. Students were reassured that what there was no real program in effect, individual efforts by various professors were enough. When this attempt at mollification met with resistance, Dean Simon sought to allay concerns by proposing a committee. However, the meaninglessness of that suggestion did not escape even Dean Simon. He cavalierly commented that he had become very good at appointing committees. It has been nearly one month since that meeting and the proposed committee has yet to be formed.

The importance of this issue cannot be underestimated. The depth of feeling and sincerity shown by the large turnout of students at the meeting on the retention issue should be welcomed as a constructive expression of interest in the law school. We strongly urge the administration to appoint committee members immediately. In so doing, it will be a sign of good faith that the school is ready to meet its obligation to the students. Hopefully, this will lead to student and faculty involvement in the swift formation of a retention program.

Dean Pro Tem James F. Simon’s brief tenure will shortly come to an end with the investiture on January 17, 1984 of Eugene V. Rostow.

Dean Simon assumed leadership at a time when the school needed stability and the opportunity to consolidate the gains it had made under the direction of former Dean Donald Shapiro. Yet Dean Simon did not relegate himself to the role of a mere caretaker.

Under his administration visible changes were effected to improve the physical plant of the school and to provide more space for the student and clinical programs. Moreover, we appreciate his efforts to encourage student involvement in the ABA re-accreditation process and generally for his accessibility and willingness to listen to student concerns.

However, we cannot fail to note that the lack of a new placement director has resulted in the class of 1984 being severely disadvantaged. As well, housing for students remains a seemingly intractable problem that has yet to be addressed. Also, the student body has not yet been given access to the Faculty Self-Study Report and there has been no mention of getting a glimpse of the ABA’s analysis of the school.

Perhaps, though, the issue of greatest concern to us is the civil rights law suit recently filed against the school. It is evidence of a continuing lack of understanding and concern on the part of the school, for those students who need additional counseling and guidance to develop the skills needed to succeed in law school.

Nonetheless, it is with profound regret that we note the departure from office of Dean Simon. He accepted a difficult task and performed it well beyond expectations. While it is true that we have not always agreed with Dean Simon on issues pertaining to the school, we have never questioned his integrity and sincerity. Although he will be remembered as a faculty, we sincerely hope that he will continue to play a vocal and integral role in the development of NYLS. His experience, candor, and interest in the students’ welfare are still very welcome and needed.

To the Editor:

I will preface these remarks by noting how impressed I was by the method and purpose of our recent inspection by the American Bar Association. We were not, to my surprise, inspected by a team of white-gloved pencil-pushing “consultants” of the $500/day-plus-expenses ilk. They did not check the window sills for dust and did not come here to look for skeletons in closets.

Rather, we were inspected by two deans, a professor of civil procedure, and a law librarian. It was a good mix, and each person came to New York Law School with a very practical and realistic perspective. The committee also seemed to clearly differentiate between how law schools ought to be run, and how they almost uniformly in fact operate.

I was further impressed to learn that Professor McKaskle had been assigned the task of writing our self-study report, a task which he clearly enjoyed. His willingness to share his insights with the students, his openness in discussing the school’s strengths and weaknesses, and his willingness to write an honest self-study report has been most gratifying to know that this part of the inspection process with a very honest and even-handed student representative was handled in a first-rate fashion.

The ABA’s inspection was not merely academic. The student body has not expected us to undergo inspection, but rather we expected inspection to be in our best interest. I believe that the students here were reasonably well-prepared for this inspection, and that in fact many of us found the inspection process more enlightening and informative than we had expected.

The inspection was also a good mix, and each person came to New York Law School with a very honest and even-handed perspective. However, the inspection process was more thorough than we had expected, and it was clearly understood by all parties involved that the inspection process would be thorough and comprehensive.

I hope that the ABA’s inspection of the student body was as positive and constructive as it was for the rest of the school.

The Student Self-Study Appraisal

In future reports, however, it will be necessary for the ABA to take into account a broader perspective of the school, including the role of the student body in the inspection process.

The Student Self-Study Report is, nonetheless, fair as far as it goes. In some respects, however, the Self-Study Committee has painted an incomplete picture, and in others it has failed to do so. It is important to note that the inspection process was a complex and comprehensive one.

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In subsequent reports, more attention should be devoted to examining the vitality of the more academically-oriented organizations, ILS, CLS, the journals, to name a few in addition to the two to which I am a member.

And, conclusory statements about student-administration confrontations should more clearly state who is having them and why they have come about. Individually, as a member of one student organization and as chairman of another, I get along with the administration just fine, thank you.

Donald W. Dickson
Chairman
Wagner Moot Court

No Bargain Here

To the Editor:

Recently, Dean Margaret Beam released the long awaited plans for the use of swimming pool facilities at Manhattan Community College by NYLS students. These plans, however, fail short of what was originally promised by the administration.

What started out as use of full gym, Nautilus, and pool facilities throughout the week at a greatly reduced rate has become use of the swimming pool for two hour blocks of time between 10 and 6 on Saturdays only, from Nov. 12 to Jan. 28. For this “privilege”, we must pay a “registration” fee of $50.

Four of these Saturdays (Dec. 24 and 31, Jan. 7 and 14) are during winter break, when students will be away on vacation. Three of them are during exam periods (Dec. 3, 7, and 10), when although a swim would be nice, time is probably better spent doing other things. And Nov. 26 is Thanksgiving weekend, when students are more likely stuffing themselves with turkey and/or football than worrying about a near pool. Thus, we are left with only one day (Dec. 24) when we can sign up, for we will be paying $6.25 per hour for use of our pool.

Even at this high rate, it would still be a bargain if the pool was for the exclusive use of NYLS. But it is not: all other members of the community can use the pool at the same time.

We are told that negotiations are being continued for the possible use of other sports facilities. Let us hope that Dean Beam is more successful in these arrangements. Otherwise, we may find ourselves playing basketball on an outdoor court during a twelve-inch blizzard in January, and paying for even that privilege.

(Name withheld upon request)

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November 10, 1983

OPINIONS

Vietnam: Lessons To Remember

by Adrian Calderone

The recent United States military involvements in Lebanon, El Salvador, Nicaragua and Grenada have evoked vivid memories of Vietnam for many people. Although Vietnam is not strictly analogous to these situations, there are lessons to be learned from our mistakes that can be applied to our present conflicts.

The first lesson of Vietnam is that in order to formulate a clear and effective foreign policy one must first understand a region's politics. America's handling of the Diem regime in 1963 South Vietnam is a case in point.

Diem sincerely wished to achieve the land reform he thought was necessary for the stability of his country. However, his ability to act was restricted by pressure from the landowners, the governmental elite, and his own family. Due to the conflicts of interest between him and other power bases, he was unable to effectuate any land reform.

President Kennedy failed to comprehend the strength of the factors binding Diem. He believed Diem was deliberately obstructing South Vietnam's reforms. As a result Kennedy appointed a military coup to overthrow Diem. Backfiring, the coup thrust the region into a period of even greater instability.

A broader example of the misunderstanding of regional politics can be seen in the failure of the "domino theory." This theory predicted that a communist victory in Vietnam would lead to the downfall of all the other Southeast Asian nations. This has not happened because the Vietnam War was a nationwide war fought for reunification.

The second lesson learned from the Vietnam War is that the American nation cannot support a cause that does not have a moral foundation. The strength of American citizens-soldiers is their belief in the ultimate goodness of their mission.

The American soldiers in Vietnam could not tell the difference between the good side and the bad side. Many of them retreated from their confusion into drugs and brutality. Even conservative Americans wanted to know that their sons were fighting for some noble end, not just to prop up a corrupt regime which happens to be "ours." Thus, as a result of the immorality of the war in the eyes of the American people, the nation gradually tore itself apart.

In addition to the necessity for having a moral goal we must have a moral means, as well, since an immoral means negates a moral goal.

The U.S. used Vietnam as a testing ground for devastatingly brutal high tech weapons. We also established free-fire zones. These were no-man lands and everything in them that moved was destroyed, people, buffalo, pigs, chickens, anything! The rule was, "If it's living, make it dead." Such gratuitous violence brutalized the victims, the American soldiers who had to carry out this policy, and the American public.

The third lesson learned from Vietnam is that the American people should question their government's official judgment. The government claims that its judgment is based on extensive information gathered by numerous intelligence sources.

But even if the truth is reported, it can be ignored. In the Vietnam War the CIA continually reported to the administration that the war was failing. However, the government constantly claimed to the people that victory was near.

We should be especially suspicious when decisive military force is called for, because it is more likely that the troops are being sent to correct a situation resulting from poorly thought policies and failed negotiations. This is not a sign of strength, but of incompetence.

Adrian Calderone, staff member of The Advocate, joined the army after his college graduation. He served one and a half years in the United States, and one and a half years in Japan. Calderone's college roommate was killed in the Vietnam War.

Confirming Clark

by Paul A. Friedman

Currently, while all eyes are on foreign policy the United States Senate is considering the nomination of William Clark for the post of Secretary of the Interior.

Clark, whose qualifications for this post seem to be that he is a great fellow, a lover of the outdoors who owns a ranch and has a reputation as a troubleshooter, is likely to be confirmed. This is not because the Senate thinks he is the best candidate. Indeed, since he has not answered a single question on his intended policies at Senate hearings, it would be impossible for them to judge. Rather, it is because President Reagan has put the power of his office behind Senate acceptance and because the Senate is composed of a majority of Republicans. This is inevitable because, once again, the Senate has chosen to ignore its duty to advise a president and is merely going through the perfunctory motions of consent.

This is not something new: In fact, other than two outrageously poor candidates for the Supreme Court who were sponsored by former President Nixon, the Senate has not rejected a president's request for decades.

Yet, this time I'm really upset. I'm upset because for the past three years this country has had to put up with the raping of our wilderness lands by one of the most obnoxious individuals this country has ever seen in national office. The outcry against him had been loud and long because of those policies. But only when James Watt made a slip of the tongue was he banished from Washington. It is clear that most Americans hated his policies more than they disliked him.

Well, it may be understood that Reagan has ignored the people who have spoken out against Mr. Clark. He has never cared much for "environmentalists" or their ilk. Moreover, he probably sees them as part of a communist conspiracy much the same way he views the nuclear freeze proponents. But, it is amazing to me that even a Republican Senate would blindly follow him one more time.

Senators, by and large, are well-read individuals. By that I don't mean they pick up a copy of 1984 by George Orwell whenever they have a spare moment. Rather, they carefully examine polls. So, I find it hard to believe that they are preparing to make the same mistake again that they made with Watt. True, Clark is not likely to put his foot in his mouth the way Watt could be expected to do every few weeks but, apparently, he intends to carry out the same destructive policies that Watt believed in: policies that included holding fire sales on public land, the removal of private property rights, the elimination of any rules for determining how the land is to be used, and the elimination of any rules concerning safety. The outcry against him had been loud and long because of those policies. But only when James Watt made a slip of the tongue was he banished from Washington. It is clear that most Americans hated his policies more than they disliked him.

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Ranking System

(continued from p. 1)

will receive an estimated rank with the preceding September class as well as their actual class rank.

The September Part-time day class will be ranked with the September evening students at the end of every year throughout their law school careers.

The January Part-time class will receive estimated rankings with the Part-time evening class which entered the preceding September at the end of every September.

The Odd Program Students who will graduate mid-year or at the end of the summer will receive estimated ranks with the evening class which entered the prior September.

Margaret Beare, Associate Dean, said the administration will consider changes if there are a significant number of qualified suggestions from the students in response to the new policy.

This proposal was recommended because of events which occurred this summer. Cornell Edmonds, President of the Student Bar Association, proposed to Beare in July that all students should receive an updated rank after each semester starting at the end of their first year.

While this was under consideration, Harry Weinberg, American Bar Association/Law Student Division Representative and a Senator of the MYA 1985 class, proposed to Beare that his class should be entitled to an updated rank after their third semester so that their resumes could reflect an accurate status.

The MYA classes receive their ranks at the end of the Fall semester and therefore have completed another semester by the time summer interviews take place in September. Although Edmonds’ request for a policy change wasn’t implemented, Weinberg’s request was granted. This led to concern among the students. Their basic objection was that they were not notified that they would be receiving a new rank before they had printed their resumes.

To alleviate the problems that confronted some students, the administration gave the students the option to use their first-year rank or the updated rank. However, the administration has indicated that employers were confused by the conflicting rankings.

Brian Carley, an MYA 1985 who was affected adversely by the additional rank he received, felt the school played a “rotten trick” on his class. “A rank every semester makes students too competitive and grade conscious,” he said. “A yearly rank is a better reflection of a student’s capabilities because everyone is entitled to a bad semester,” Carley said. However, Mark Badash, an MYA 1985, disagreed. “If an MYA is forced to send out a resume that doesn’t reflect his or her most recent academic achievements, then something is seriously wrong with the system,” Badash said.

Student opinions on the per-semester ranking system are diverse. Jeff Siegel, a second year student, is strongly in favor of implementing a per-semester ranking system. “In the course of a long academic year, one might find one’s motivation waning,” he said, “and a mid-year rank would tend to increase motivation.”

Meri McCann, an MYA 1986 student, feels an annual rank is sufficient. “There is no reason that students should constantly feel the pressure of being presented with a rank after each semester,” McCann stated. “It would only increase competition among the students and I can see no benefit in that at all.” she said.

Kukla Broekman, Acting Placement Director, is strongly opposed to a per-semester ranking. She maintains that this would put an increased emphasis on rank which is unwarranted because it is mainly the Wall Street firms that are concerned with ranking. “On a practical level,” Broekman said, “to reflect an accurate rank, students would be forced to revise their resumes which would be very expensive.”

Broekman feels that students should have an opportunity to comment on the new ranking system before it is finalized. This controversy forced the administration to reconsider Edmonds’ request for a per semester ranking. This became the basis for the present recommended ranking scheme.

Those students opposed to the new ranking system should submit complaints and suggestions to Beare. If students do not express their opinions the recommended ranking system will be implemented.

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Retention

(continued from p. 1)

services, including a retention program.

Rodriguez said that after the meeting, Simon asked for a list of a "half-dozen" students, from which he would pick three for the committee. When asked if she thought the students should be allowed to pick their own committee members, she said her primary concern was that the administration take action.

"Many students attending the meeting were shocked that the administration admitted that no support services were available for students on academic probation," Rodriguez said in an interview with The Advocate. She added that many students were also surprised that Simon "refused to do anything until the litigation is resolved." This could deny student access to support services for at least another year, Rodriguez noted.

"But now the administration has no excuse. They cannot claim ignorance of the problem, and have been made aware that they will be held accountable both for the students they accept, as well as for those they dismiss," Rodriguez said.

Lack of Awareness Cited

At the meeting, Simon requested specific ideas and grievances about support programs. Cornell Edmonds, President of the Student Bar Association, questioned the deans about their apparent lack of awareness of the need for a retention program. Edmonds said that the idea was first discussed in 1980, when the need for such a program was documented by a BALLSA study.

Edmonds said that other schools have implemented retention programs and challenged Simon's reluctance to make a commitment to such a program.

"It can't be put off until the pending litigation is resolved," Edmonds said.

Several students asked what programs the school presently offers to students who are encountering problems with their studies. One first year student said that he was unaware of any such program.

Simon admitted that, "I don't think we have anything in place" for students with academic problems. Bearn said that some individual professors will go over their exams with their classes, or with individual students, and also pointed out there was a program in 1982 run by the law journals to help first year students.

Immediate Action

Samuels emphasized the role of teachers in helping students with academic problems, and the importance of students counselling each other about courses and teachers. He said that it seemed the students were saying that "the teachers are not adequate." He also said he thought the new Legal Methods course had done a lot to help first year students to adjust to law school.

Many of the students were not satisfied with this, and pressed for some immediate action. Among them suggested that the students develop a policy through the SBA and present it to the faculty and administration.

Simon then suggested that the committee be formed to develop ideas for support services.

Liaison Program

In Works

by Phillip Essig

Students entering New York Law School after next semester will hopefully be greeted by a newly created faculty liaison program, according to Caryn Golub, Chairperson of the SBA Committee on Student Counseling and Services.

The proposed program, which has been developed by Professor James Brook and Golub, is designed with an emphasis on increased student-faculty interaction.

The proposal will provide informal counseling to individual students on a continuous basis. Procedures will be established for faculty members to assist students at specified times during the year, for example during course selection and registration.

Under the proposal, the administration would appoint one faculty member, who is teaching a first year section, as a faculty liaison. Effort would be made to recruit other professors, who are not teaching first year courses, to serve as liaison assistants.

Once appointed, the liaison will have a specified set of obligations. One of the obligations would be that the faculty liaison should be reasonably available to students. Other obligations would include holding meetings with students at particular times, setting regular office hours for liaison activities, and conducting a review of the program with the input of the first year section.

The program would also require students to cooperate with and to take advantage of the program. Students should attend as many scheduled events as possible, keep appointments with faculty liaisons, and provide photographs of themselves to the liaison.

The motivation for this program was a perceived student interest in greater faculty involvement with the student body. The issue was raised at a faculty meeting early this year, several alternatives were discussed and, although no agreement was reached on a final program, Brook assumed the task of developing the suggestions into a more concise proposal.

The current proposal, which received a unanimous vote of support from the SBA Senate on November 2, soon will be presented to the faculty for a vote. If approved, the program could be implemented as soon as next semester.
Rostow's America

The Ideal In Law
Eugene V. Rostow
University of Chicago Press, 1978

by Adrian Calderone

Rostow introduces his essays by defining the law as "the way each culture seeks to fulfill its ideal of justice—through procedures it deems fair to reach results as close to being "just" in its view, as circumstances permit."

He calls this "legal idealism", which is an appropriate term, because his essays clearly project an optimistic view of American law. The tone is one of profound respect and admiration for the legal process and what it can achieve.

There are four main topics: Custom Versus the Ideal, in which Rostow discusses the negro in American law; The Obligations of the Citizen, in which he writes about civil disobedience; The Ethical Problems of Economic Policy, in which he discusses competition and corporate management; and Force and Morals in International Relations, in which he discusses the U.N. Charter. (I will not discuss this last subject.)

The first essay addresses the problem of blacks in American law. He analyzes the Dred Scott decision to show the role of the law in the social process in the formation of law.

If we adopt an idealistic view of law based on this essay we should conclude that the American legal process was a motivating force for the abolition of slavery. If the law is merely a reflection of other social factors then the importance of legal idealism in ending slavery diminishes.

Rostow says that slavery in America was a "large-scale adaptation of the ancient tradition of slavery to the imperative demand of the New World for manpower."

If the demand for manpower was a motivation for slavery, it would seem that slavery was abolished because its economic foundation was destroyed by the Industrial Revolution. Rostow has neither shown that law was anything more than a tool, nor that the men behind the law were more principled in the late 1800's than they were before then. In other words, slavery was abolished by means of the law, but not because of the law.

Rostow's legal idealism is limited to seeing the law as a procedural framework for social change. In the second essay, Rostow presents an argument against the morality of civil disobedience.

He doesn't distinguish between violent and non-violent protest as forms of civil disobedience. He believes that both forms lack a firm moral basis.

Rostow qualifies his position by saying that the moral imperative to obey the law depends on whether one lives in a society where the people freely give their consent to the government through fair elections. Thus it is useless to cite the Nuremberg Trials, or Gandhi's teachings as defenses for the morality of civil disobedience. Both Nazi Germany and India under the British Raj were coercive. Modern American society is clearly not.

One is only obligated to obey a valid law. In American society, that depends on whether the law is constitutional. Rostow believes that one should challenge the constitutionality of a law if it is not a form of civil disobedience.

Rostow accurately and fairly presents the arguments in favor of civil disobedience which he then refutes with philosophy, logic, and law.

Rostow is really talking about the 1960's. Evidently he was quite alarmed by the barbarism finding its way into American society, especially in the college elite. Those were troublesome times, indeed. And some of the protest was not done out of sincerity, but simply for excitement, as if it was a political joy ride.

By their consent the American people have established a social contract which has been reflected in the law. Breaking the law is a breach of faith, not to the government, but to society.

A problem arises when procedurally valid laws violate someone's sense of justice. Law may be comprehended through the intellect, but justice is intuitive. Civil disobedience is as much an affair of the heart as it is of the mind. We know that Rostow decries anti-intellectualism. But to really understand the civil disobedience of the 1960's, one must also approach it on a gut level.

In the 1960's student protest erupted from frustration and resentment. Students believed in the ideals of the law and government, especially after the "Camelot" era of the Kennedy administration. After the carnage of Vietnam, the constant stream of lies from the government, the spying on civilians who opposed official policy, students could not help but feel betrayed.

Today students are more savvy and much more cynical. People are inclined to the government's lying. We almost expect it. Gone is that sense of naive indignation. Without it civil disobedience loses its romance. Herein lies the irony. Emotional idealism puts justice before law; intellectual idealism puts law before justice.

Another topic Rostow addresses is the responsibility of corporate management. He argues that the social need, and not just the literature of Thorstein Veblen or John Kenneth Galbraith. Multinational corporations present another problem. To claim that their managers owe their primary allegiance only to the stockholders may lead to disaster. Who will defend the people of the Third World from the rapacity of an industrial society seeking more resources? The stockholders? The governments? Or the Marxist revolutionaries who solve the problems by expropriation?

The wise corporate manager may view it in the corporation's long term interests not to be too enamored with profits.

In conclusion, what Rostow regards as the ideal in the law is limited to law as a procedural mechanism. Law is a very good tool. If one expects no more from it than that it works, then one will not be disappointed by Rostow's legal idealism.
Belgian Romance

Le Saint Jean des Prés
112 Duane Street
608-2332
Monday-Friday; Lunch & dinner
Saturday: Dinner
Closed Sunday
Expensive
Reservations Recommended

by Vladimir Persil

More often than not, the typical NYLS student's lunch consists of a sandwich bought at Gil's, or a slice of pizza from down the street. As for dinner, a few brave souls make the trek to Chinatown, but as the days get shorter and colder, fewer and fewer people feel like walking even that short distance.

So, for those people who don’t want to travel far for a great meal whether it be lunch or dinner, I recommend sampling the fine restaurants that have sprung up in TriBeCa. One such restaurant, just recently opened, is Le Saint Jean des Prés and situated only two blocks from NYLS at 112 Duane Street, between Church Street and Broadway.

The restaurant is of Belgian origin, the first American branch of a chain of eight in Belgium. Both the food and the atmosphere reflect these roots. The room is paneled with red lacquered wood; above the paneling are hand-painted scenes of Brussels and lazy beaches. The glow of the large brass chandeliers off the red woods, along with the soft light from the individual lamps placed on each table, set a warm mood that lasted throughout the meal.

The menu is just as much a work of art. Though simply planned, it is diverse. I began by perusing the five or six choices of both the hot and cold hors-d’oeuvres, ranging in price from five to eight dollars. They include such delicacies as gazpacho, bone marrow, and tomato stuffed with shrimp. The main dishes include four poissons and a chateaubriand for-two ($35). However, most of the entrees range between thirteen and twenty-two dollars.

In addition to the regular menu, there are also specialites du semaine, as well as an all-inclusive menu du jour. On the night we were there, the daily menu included salad with stilton, leg of lamb with fresh mint, dessert from the dessert cart (more about that later!), and coffee. At only seventeen dollars, it is worthwhile.

With our cocktails the waiter brought a beautiful platter of fresh vegetables around a delicious dip made from mild and creamy roquefort. I chose both my appetizer and entree from the weekly specials. I started with mousse de quail with cognac ($5): two egg-shaped mounds of delicate pate, arranged with fresh vegetables in a beautiful roquefort sauce. The mousse was excellent: light and smooth, and not overly salted. The hint of cognac blended well, and the fresh vegetables made a perfect base on which to spread it.

My companions were pleased with their fare. One had the sliced marinated salmon in virgin sauce ($8), the other started with shrimp scampi with basil ($7). The salmon was delicately covered by a sweet onion and basil vinaigrette. The restaurant gets the best fresh fish from the nearby Fulton Fish Market. The sauce was light enough not to overpower the delicate flavor of the fish, and the basil was the best herb to evoke that flavor. The scampi was the only hot hors-d’oeuvre tried, and it too was good.

My entree was a thickly sliced salmon filet with leeks and Belgian endives, surrounded by very lightly sauteed carrots and zucchini ($17). It was lightly covered with a very thin veloute, and was accompanied by a generous portion of mashed leeks. Too often fresh salmon in restaurants is frozen, but not here. It tasted like it had been netted from the sea only an hour before. It was the best salmon I have ever eaten.

The friend who began with sliced salmon chose the veal filet with roquefort sauce ($22). This is one of the specialties of the house. I have never seen medallions of veal that were so thick, yet so tender. They melted in the mouth. The roquefort sauce had the same delicate characteristic as all the other sauces: a delicate lightness. Too often the sauce that covers a dish overpower and masks the true taste of the food. At Le Saint Jean, this doesn’t occur. The veal was accompanied by the same crisp, tender vegetables that came with my salmon, as well as crispy potato puffs that were slightly too doughy.

Finally, the third member of our party opted to try the waterzooie de homard au petits legumes ($15). Waterzooie is a thick bisque/soup of lobster, scallops, and vegetables that is a national dish of Belgium. The dish has lost nothing in its migration to Duane Street. The chunks of seafood were tender, and the bright orange bisque was rich and hearty.

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To accompany our meal, we selected an excellent Chateau Franc Bigarou, St-Emilion Grand Cru 1978 ($20). The 1978 St-Emilion is a classic Bordeaux and certainly would cost much more uptown.

All three meals were satisfying, but when we saw the dessert cart we couldn’t resist. There were at least a dozen different items to satisfy our sweet tooths, and I’m very tempted to return just to sample those I didn’t that night.

Some of the desserts are made on the premises, while the rest are flown in daily from Brussels. We tried the chocolate mousse with chocolate bits, Belgian chocolate pistachio cake, and Belgian almond cake. The mousse was feather-light, with chunks of bittersweet chocolate that let the flavor of the mousse linger. The first of the two imported cakes was a chocolate gateau with pistachio flavoring, moist and light. The second was rich in almond flavor, and was just as decadent.

Service throughout the evening was good: most of the waiters are natives of France and Belgium, so the opportunity exists to show off the French you haven’t used in a long time (don’t worry—they speak English as well!). Le Saint Jean des Prés is not an everyday restaurant. For that special occasion, when you are in the mood for true haute cuisine south of Canal Street, walk the two blocks to Duane Street: you won’t be disappointed.

November 10, 1983

ADVOCATE

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Placement Survey

(continued from page 1)

think the new director should be paid a high salary. Over seventy percent of the students wrote that the person should have experience, ability, and a desire to work at NYLS. A few students suggested putting an incentive clause in his contract to reward the placing of a certain number of students in permanent jobs.

The students set two priorities for the new placement director. Most important-ly, they felt the director should make an effort to help all NYLS students find jobs. Eighty percent of the students surveyed expressed their frustration with the current Placement Office’s policy of exclusively helping students in the top fifteen percent of their class. Several of the surveys said that the students do not need the help. A few students in the top fifteen percent disagreed.

Many concrete and inexpensive suggestions were offered. There could be seminars to develop both interviewing skills and resume writing, and to explore career alternatives. The Alumni Association should be contacted to help counsel students or offer jobs. A placement library could be developed, which would include employment directories of alumni, specialty firms, and smaller firms and regional listing, especially in New Jersey and Connecticut. Books on alternative legal careers public service law and corporate practice could be included. Extended office hours would allow evening and part-time students access to the placement di-rector and the office’s resources.

The second priority of the new placement director should be to improve the image of NYLS in the legal community. Forty-four percent of the respondents felt that their chances for a good job were hindered by a negative perception of the school. The new director should “talk up” the school, and must try to convince law firms that NYLS students are just as capable as other New York City law students.

In addition, twenty-five percent of the students felt that the Placement Office’s focus on Wall-Street-type firms should be expanded to include medium-to-small firms, Connecticut and New Jersey firms, administrative agencies, public interest groups and corporation. Law related jobs should also be included. Thus, the Placement Office would increase the number of students hired, and also expose students to areas of law previously unconsidered.

Over forty percent of the students were dissatisfied with Placement Office staff. The students said they perceived a lack of concern for the students and a lack of professionalism. These students further said that they hoped the hiring of a new placement director and new support from the administration would remedy these problems.

The Advocate thanks Professors Clem, Jonakait, Korgold, Perry, Rosenfeld, and Silfen for their support, and the students for their thoughts and comments.

Simon Interview

(continued from p. 3)

Q: What are some of the disappointments in terms of the goals not reached during your tenure?
A: The institution should become more responsive to its constituents. That includes administration and staff, faculty and students. I am aware that a lot of students feel that they are still not respond-ed to effectively, that the school doesn’t seem to be alert to their needs. I don’t think I’ve done a great deal in that respect. I’ve tried to get the Student Center into shape. I have appointed students to some faculty committees, which I think is good.

Q: Which ones?
A: Placement, I think curriculum. Admissions, that’s still up in the air. I haven’t appointed the admissions, but I’m going to. I am about to appoint another committee on Student Services, which will include members of the administration, the faculty, and students. We’ll get input on what ought to be done.

Q: Will the incoming Dean address these areas?
A: I would hope so. I don’t think we are as responsive to students as we should be.

Q: There’s been some talk that the class of 1984 has sort of fallen through the cracks as far as Placement is concerned. The Placement Director left, and there have been fewer groups recruiting on campus this year than last. Are you and Dean Bruce and the Placement Committee aware of these problems?
A: We are absolutely aware of them. First of all, we’ve got a very strong faculty placement committee, which is chaired by Professor Bruce. And I think they are probably, as a committee, more active than any faculty placement committee has been. They’re quite aware of the prob-lems. The Associate Placement Director, Keikla Brockman is very aware of the problems and tells me about them all the time. I’m very aware of them.

I don’t see that the class of 1984 is falling between the cracks. Whether we’ve got the operation the way we want it, the answer is no. We don’t have a Director of Placement. That’s an important position and we want to take care to fill it with the very best qualified person we can find. We’re taking a look at the operation gener-ally.

I can see the students saying, “Yeah, this is just talk and so on—either nothing is going to be done, or it’ll be done after we’re gone.” I’m aware of the frustrations for them. Which in a sense are frustrations for me too. These things do take time.

Q: Regarding the Faculty Appoint-ments Committee, there’s been some discussion of the lack of minorities on the faculty. Are you satisfied with the present diversity of the faculty?
A: I wouldn’t say I’m satisfied. I’m satisfied that we have a highly qualified facul-ty. I think we ought to continue to be very sensitive to the fact that we do not have proportional representation on the faculty of minorities and women, I think that I’m certainly aware of it. And I think we have to continue to be sensitive to it. No, I’m not satisfied.

Q: Should students be represented on the Faculty Appointments Committee?
A: Well, I don’t know. I know that cer-tain schools do have them. I think there are strong feelings on the faculty both ways on this. I’d like to hear more. I think a case could and maybe should be made to the faculty that there should be some student representatives and I’d like to hear it.

Q: Having served as both a professor and now a Dean, what do you see as the role of NYLS in terms of how it fits into the New York City Metropolitan area and nationally as well? Where do you see it in five or ten years?
A: Generally, I see this law school in five years as being firmly established as one of the very top law schools in the metropolitan area. I think we’re closer now than a lot of people give us credit for, including some students. We have an ex-cellent faculty which would rate very high-ly with almost any across the country. We’re not a Harvard, Stanford, or Uni-versity of Michigan, but I think our faculty is of a very high caliber. I think our student body is of a very high caliber. Better than even the students give it credit for. And I see it only improving dramatically under the leadership of Dean Roston.

Q: Should the students seek a greater voice within the institution?
A: I think the students’ concerns should be heard. And if they’re not being heard, then they should seek a greater voice. If we don’t know the students’ needs and wants, then absolutely. As translated into a specif-ic governing structure, it’s something that I think should be given a great deal of consideration by having a voice in the faculty. However, I think absolutely if students are not being heard, or even if they perceive they’re not being heard, that’s a problem that has to be managed.

Q: What were your personal reactions when you learned the school was being sued (Ed.—see story, page one) How are you responding to it?
A: First of all, as you can appreciate, it’s a fairly delicate matter. What was my reaction? Concern. I am hopeful, and I have reason to be hopeful, that there can be a meeting of the minds between this in-stitution and the plaintiffs so that the litiga-tion will be unnecessary. I am guardedly optimistic. I think it is in the best interests of all concerned that there not be litigation.
ORGANIZATIONS

L.S.D. Update
by Harry Weinberg

The Second Circuit of the Law Student Division (L.S.D.) held its Fall Roundtable in Atlantic City on October 28. At the Roundtable the L.S.D. representatives from each school in the circuit (all New York law schools) got together and discussed membership activities, proposals, and resolutions to be brought up at the Annual Meeting, and general activities of the Division.

NYLS has the second best percentage of Division membership in the state, 46 percent. Of course this number should be increased, in Division politics, numbers mean strength. This is reflected by the number of liaison positions offered to a school, the success or failure of a school's proposals or resolutions and a school's ability to obtain L.S.D. matching funds.

LIAISON POSITIONS
I have posted information regarding liaison positions on the L.S.D bulletin board in the lounge at 47 Worth Street. Any student who is a member of a Section of the ABA is eligible to apply for the position of student liaison to that committee. Liaisons participate in the business and activities of the various sections and get involved in serious and rewarding academic work. For more information, please read the material on the SBA bulletin board or see me.

RESOLUTIONS
If anyone has a suggestion or a problem which should be highlighted or brought to the attention of the Law Student Division, this may be achieved by writing a resolution and having it heard before the full assembly at the annual meeting. The resolution addressed the problems law students working for attorneys who represent prisoners have in gaining access to those prisoners. As a result of the resolution, procedures are being changed and problems are being solved throughout the country. This is the positive effect law students can have through the Division. If you have ideas or proposals, see me.

VOLUNTARY INCOME TAX ASSISTANCE PROGRAM
The L.S.D. sponsors a VITA program which would like to have active students to participate in the community service will receive some training from the IRS. The program will be advertised in the community and students who volunteer will help individuals prepare their income tax forms. The program has been a great success at other law schools and would be a great opportunity for us to provide community service. I am looking for a student with a tax background to chair the program. Interested students please contact me.

PARTY
There will be a L.S.D. membership party before Thanksgiving. Those of you unfamiliar with the activities of the L.S.D. can get more information here. There will be a speaker from the ABA to discuss their activities.

If you have not joined the L.S.D., remember it's only $8.00 for a year's membership. For this fee, you will get subscriptions to the ABA Journal, Student Lawyer and the opportunity to join any of the ABA's sections at a reduced fee. Additionally, you will then be eligible for the Voluntary Income Tax Assistance Program. Interested students please contact me.

For example, a resolution sponsored by Phil Russell of Brooklyn Law School dealing with law student access to federal prisoners was passed at our last annual meeting. The resolution addressed the problems law students working for attorneys who represent prisoners have in gaining access to those prisoners. As a result of the resolution, procedures are being changed and problems are being solved throughout the country. This is the positive effect law students can have through the Division. If you have ideas or proposals, see me.

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The same meal uptown would cost twice the price."

JON SIMON — SOHO NEWS

Media Law Project
by Charles Norris
In the wake of the November 3 Media Law Project's successful panel discussion entitled "Law and Athlete Representation", the organization is moving to provide the law school community with information on and exposure to the diversified area of media law.

Several projects are currently in the planning stages. Ron Korybski is heading a sub-committee which will formulate and publish a journal to be called "The Media Law Project Newsletter". The Newsletter will provide a forum for debate and will examine a broad spectrum of issues in the news, science, law, and other media related fields.

On Saturday April 7, 1984, the Project will present a day-long symposium on law and the theatre which will cover contracting for the theatre and the actors, obtaining the rights to the book and financing a theatrical production, among other topics.

Additionally, panel discussions on satellite communication and videos (M-TV) are in the planning stages.

Interested students are urged to stop by the Project's office located in the student lounge and to attend the meetings held in BB6, at 5:30 p.m. on Wednesdays and Thursdays. The Project seeks to respond to the needs of the student body, but can only do so if students participate.

Criminal Law Society

As a follow up to their very successful forum on Police Brutality, the Criminal Law Society plans an event with the distinguished Professor Stanislaw Walus as the speaker. Walus taught at Jagellonian University, Krakaw, Poland.

Anyone who wishes to join the Criminal Law Society, or wishes to help offer ideas for future events relating to criminal law, or just talk about criminal law is encouraged to stop in at our office, room 103 in the student lounge.

BALLSA

The Black and Latino Law Students Association is pleased to announce a few of their upcoming events to be held next semester. There will be activities scheduled for Martin Luther King, Jr.'s birthday. There will be a conference on the topic of Hispanics and the law. And, some films concerning blacks and Hispanics in the legal profession will be shown.

For further information please contact BALLSA, in their office, room 104 in the student lounge.

Thornton Interview
(continued from p. 5)

Further, I don't feel uncomfortable comparing us to any of the local metropolitan law schools with the possible exceptions of Columbia and NYU. Once you get beyond Columbia and NYU I don't find anything for us to apologize about.

The question is, How do we maintain this momentum in the future? I think it's going to be a decade of increasing competition if one looks at the demographics of student populations? The law school population has already peaked, and the demographics look worse in the Northeast than in other areas of the country. That's going to affect our colleges. It's going to be a difficult decade for private colleges.

CORRECTION

In the interview with Chairman of the Board of Trustees John V. Thornton, in the October 10 issue of the Advocate, there was a typographical error which charged the meaning of one of his answers. In response to the question, "How do you perceive Dean Rostow's role at the school?", the answer read in part, "Now, that doesn't include things like fundraising and relations with external constituencies." The answer should have read, "Now that doesn't exclude things like fundraising and relations with external constituencies." We apologize to Chairman Thornton for this inadvertent error. We wish to make it clear that Chairman Thornton said that "fundraising and relations with external constituencies" are two important aspects of Dean Rostow's job.

National Lawyers Guild

The New York Law School chapter of the National Lawyers Guild and the Urban Law Society will present a Tenants' Rights Symposium on Saturday, November 19, 10:00 a.m. - 4:00 p.m., at New York Law School. Students and future attorneys should become aware of the issues and legal strategies of tenants' rights. The keynote speaker will be Frank J. Barbaro, a state assemblyman for fourteen years and a candidate for mayor in 1981, has been an avid sponsor of tenant protection legislation.

There will be four workshops in the morning and four more in the afternoon. Topics include: gentrification, the Emergency Tenant Protection Act, the Flynn-Dearie bill, the homeless, housing discrimination, repairs and services, how to organize your building, and loft law. An Eric Lewis video entitled, "Where Can I Live ... the Story of Gentrification" will be shown during the lunch break. Discussion will continue over wine and cheese.

Everyone is invited to the symposium. For more information contact Sherri Donovon, National Lawyers Guild office, room 107 in lounge, or Ruth Roberts, Urban Law Society office, room 104 in the student lounge.
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