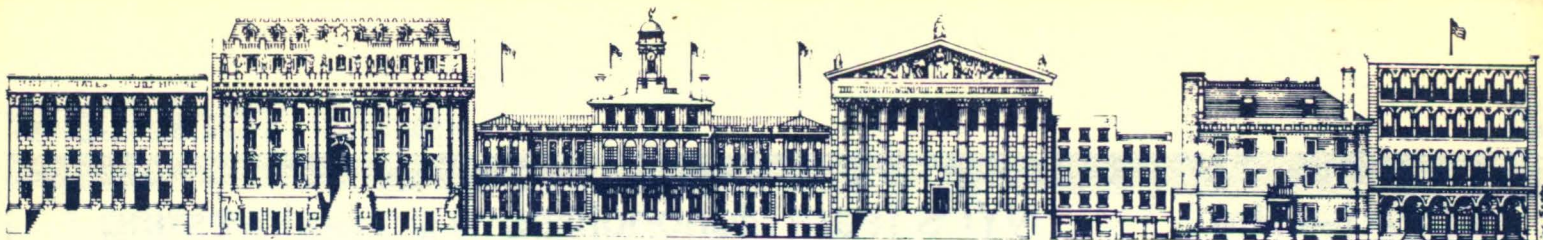


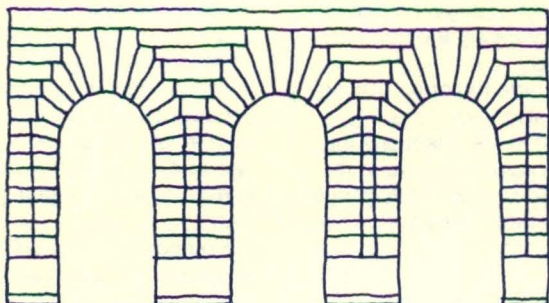
11-1982

In Brief, vol. 4, no. 9, November - December 1982

New York Law School



New York Law School In Brief



ADMISSIONS: The New Wave

Initial forecasts regarding the expected number of applicants for admission to law schools in the 1980's predicted dwindling enrollments and concomitant fiscal distress for the educational institutions. Although the emerging picture is somewhat dismal at many undergraduate colleges, the application rate for law schools so far has remained relatively constant. In fact, at New York Law School, a steadily climbing applicant pool and slightly smaller classes have made for an increasingly competitive admissions policy.

According to Anthony Scanlon, Assistant Dean for Admissions, "NYLS has one of the largest applicant pools in the country, but the fact remains that we're still interested in attracting the "WOW's." (A WOW is Dean Scanlon's acronym for a student who can "walk on water.") The goal of the Admissions Office is to recruit and select a uniquely diverse student body—"individuals with great potential and special abilities," rather than merely seeking increments in LSAT scores.

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Profile: Alexander Forger NYLS Trustee

Whether Alexander Forger is a modern day self-actualized man or an anachronism that society no longer has the luxury to nurture is probably best left to the ponderings of sociological hindsight. His is not, by any account, your typical Wall Street lawyer. Senior partner of Milbank, Tweed, Hadley & McCloy, former President of the New York State Bar Association, and Trustee of New York Law School, he is the embodiment of his personal concept of the "three-dimensional lawyer"; synthesizing legal expertise, professional integrity and an active commitment to the greater public interest.

Elucidating on the idea of the

three-dimensional lawyer, Forger sympathizes with the inclination towards specialization by "those lawyers who become ever more expert on the technicalities of a given area of law." However, a person who devotes all of his energies to serving clients in his practice is, but a one-dimensional lawyer. A second dimension that has to be added, in Forger's judgement, is responsibility to the profession—"access, fair laws, simplification, etc." The transcendent third dimension is going beyond what is necessary in the practice of law and the institutions that serve it, to involvement in the public domain.

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ALUMNI DINNER An Evening to Remember



Newly elected NYLS Alumni Association President, Presiding Justice Francis T. Murphy Jr. '52 (left) and his predecessor Honorable Eli Wager '54 exchange notes at Alumni Dinner.

The New York Law School Alumni Association opened its 1982/83 academic year with a gala Annual Dinner on November 10 at the VISTA International Hotel, located in fashionable TRI-be-ca (triangle-below-Canal). In attendance were 454 graduates, students and guests whose enthusiasm and graciousness were indeed a tribute to their alma mater, and to the members of the nine Reunion classes in whose honor the Dinner was held.

Alumni from the Classes of '22, '27, '32, '37, '42, '52, '57, '62, '67, '72 and '77 travelled from all over the country (Illinois, California, Kentucky, Pennsylvania and Puerto Rico) and the Metropolitan area to renew old friendships and reestablish ties with the Law School. Special guest and dinner speaker, the Honorable Francis T. Murphy Jr., Presiding Justice of the Appellate Division of the New York State Supreme Court, First Department, was presented with the Dean's Medal as the Judge celebrated his own thirtieth reunion with the Class of '52.

Feted and fawned over, the

celebrants unanimously extended kudos to: the Honorable Ernst Rosenberger '58, Justice of the New York State Supreme Court, who proved to be an active Dinner Chairman and an engaging Master of Ceremonies; the indefatigable Director of Alumni Affairs, Rene Grossman, "who really knows how to throw a party," and the commitment and generosity of the Board of Directors of the Alumni Association, President Eli Wager and Assistant Dean Lucille Hillman. Mrs. Grossman expressed her delight at the Dinner's success; "The turnout was the largest and most splendid yet."

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In Brief

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PLEA I—The Insanity Defense

A number of unpredictable positions were taken regarding the utility and misuse of the Insanity Defense during a panel discussion which took place at the Law School on October 14th.

Panelists representing the major legal profession factions on the issue of the Insanity Defense made presentations and fielded questions. Debate focused more on the structure of our legal system and on jurisprudential intent than on the vicissitudes of the individual Insanity Defense cases.

Deputy Dean B. J. James George Jr., former chairperson of the ABA Section of Criminal Justice, compared the relative systemic advantages of abolishing the Insanity Defense to the creation of an additional verdict—Guilty But Mentally Ill.

Dr. Abraham Halpern, Clinical Professor of Psychiatry surprised a number of people with his position in favor of the total elimination of the "exculpatory affirmative Not Guilty By Reason of Insanity Defense." He posited that abolition of the defense "is in the best interest of all the parties involved . . . The Insanity Defense promotes the fatuous relationship between crime commission and the mentally ill."

Criminal lawyer James LaRossa, partner in LaRossa & Mitchell, whose track record of success is common knowledge in New York City courts, views the Insanity Defense as "a last resort plea—infrequently invoked by lawyers." Panelist James Yates, Counsel, Assembly Committee on Codes, confirmed LaRossa's opinion, citing a figure of only 387 acquittals accounted for by Insanity pleas during the last 10 years in New York. Yates then discussed his Committee's legislative concentration on the post-verdict/commitment process rather than on the hair-splitting process of defining criminal insanity.

The Panel discussion moderated by Hon. Ernst H. Rosenberger, Class of 1958, Justice, New York State Supreme Court, was sponsored by the New York Law School Alumni Association. The Practical Legal Education for Attorneys (PLEA) series is an "informal yet informative way to keep current on timely legal subjects."

NYLS Team Monopolizes Antitrust Competition

New York Law School's Antitrust Moot Court Team took First Place and Best Oralist honors in the annual Antitrust Competition sponsored by the New York County Lawyers' Association. The team of Brenda Denham-Harms, Sheila Hilley, and Elizabeth Joslin won the final argument against the Cornell University team on November 4. Ms. Joslin also took the award for Best Oralist in the competition.

Both Ms. Hilley and Ms. Harms expressed their exhilaration with the challenge presented by the competition. Ms. Harms added that this experience in conjunction with her participation in NYLS Civil Trial Clinic "helped put into perspective what I want from a legal career." A spokesperson from the New York County Lawyers' Association remarked that Best Oralist, Elizabeth Joslin "just knocked everybody out . . . She didn't blink an eye" during inquisition.

The issue argued was "Whether concerted efforts of four real estate development entities to block the construction of a mixed commercial and residential Manhattan project through litigation and other legal procedures was an unlawful conspiracy in violation of Section 1 of the Sherman Act, or whether it was within the *Noerr-Pennington* defense to antitrust challenge."

The finals were heard by a prestigious panel from the federal bench, with U.S. Attorney

General William F. Baxter, head of the Antitrust Division as Chief Judge. NYLS Professor Michael Botein was one of the judges for the semi-finals. After announcing the results, the judges offered some winning advice:

- Answer a judge's question by advancing the point raised.
- Conclude the presentation on a strong note.
- Never invite questions, but when questioned, take the time to respond thoughtfully.
- Remember the importance of eye contact and voice quality.
- Determine a single significant point and open and close with it.

Photo taken in Auditorium at N.Y. County Lawyers' Association, Nov. 4, after Moot Court final round.

L-R: Robert S. Getman, Moot Court subcommittee Chair; Hon. Thomas P. Grisea, U.S. District Court, SDNY; Brenda Harms, NYLS; William F. Baxter, Asst. U.S. Attorney General, head of Antitrust Division, and Chief Judge of Moot Court; Hon. Charles E. Stewart, Jr., U.S. District Court, SDNY; Elizabeth Joslin, NYLS (best oralist); Hon. Lawrence W. Pierce, U.S. Court of Appeals, 2nd Circuit; Sheila Hilley, NYLS; Hon. Robert L. Carter, U.S. District Court, SDNY; Craig Schiller Chair of NYCLA sponsoring Committee on Trade Regulation; Hon. Leonard B. Sand, Hon. Pierre N. Leval, U.S. District Court, SDNY.



Investing in the Orient

On November 9th, the NYLS International Law Society sponsored a lecture by Jerome Cohen, of Paul, Weiss, Rifkind, Wharton & Garrison. Mr. Cohen spoke on "Investment in China: The Foreign Investor's View."

Speaking to a large NYLS audience, Professor Cohen described some of the recent developments in Chinese law necessitated by both changes in its own internal political structure and in its rapidly expanding role in the international marketplace.

He spoke of official Chinese attempts to encourage foreign investment and the inherent political and intellectual conflicts this accommodation engenders for a government that equates such capitalistic enterprise with exploitation.

Having just returned from the Orient, Mr. Cohen recounted some of the unique problems faced by foreign investors in this new market; for instance, locating the person(s) with the designated authority to close a contract and determining the strength of its enforceability.

Before entering private practice, Professor Cohen was Associate Dean and Head of the Department of East Asian Legal Studies at Harvard Law School. He is considered one of the leading authorities on Chinese law and has written and edited a number of books on the subject.



ADMISSIONS: Profiles of Diversity

For instance, Karin Jean Bassetti, first year law student at NYLS this Fall, of "English working-class background," put herself through Hunter College in the evenings, where she was part of a special honors program, graduating Phi Beta Kappa.

Another impressive admission is Michael Shriver McSherry whose exemplary grades at Kenyon College and score on the LSAT earned for him an NYLS John Ben Snow Scholarship. Mr. Shriver's endeavors have not been limited to scholastics however; he won a national prize for poetry and has worked as a stage manager and a computer programmer.

The Admissions Office believes that the quality of the applicants attracted to the Law School is particularly affected by the strategy and methods employed in the recruitment process. Efforts by the Admissions Office to impact upon the quality of the 1982-3 applicant pool included visits to over 100 college campuses; a third of which involved law days or programs sponsored by the schools themselves. The remainder of the recruitment visits focussed on personal career counseling and informative interviews, similar to the evaluative interviews held by prestigious companies in private industry for employment purposes.

In light of the emerging perception in the legal community of New York Law School as a forward-looking urban law school of national significance, there has been a notable shift in recruitment techniques during the past five years. Whereas previously much of the effort was geared toward public relations and educating prospective applicants as to the progress of the Law School, the enhanced reputation of NYLS enables recruiters to wow the WOWs by highlighting the positives. Thus the emphasis is now on the Law School's specific strengths.

International Law Studies at NYLS was a major attraction for Charles Wysocki. A Harvard (Dean's List) graduate, Mr. Wysocki is published in East Asian Studies and has attended the National Taiwan Normal University in Taipei.

Examination of the applicant pool for 1982-3 demonstrates that NYLS is attracting increasing numbers of high quality students. Describing the quantitative profile of the new class, Dean Scanlon stated, "We're generally accepting students from a rigorous academic background, with a B+ grade point average or better, who scored in the uppermost percentile bands on the LSAT."

Statistics compiled about the Fall 1982 entering class reflect a dramatic LSAT score increase over the past decade. Additionally the quality of the overall academic backgrounds of NYLS students is outstanding. These statistics are even more impressive when viewed in terms of the proportion of students admitted who graduated from the most academically rigorous colleges and universities and the wide geographic distribution representing high-quality state schools. Of the students accepted and enrolled, about 18% are from minority groups and some 34% of the new class are women. Diversity, in the experience of NYLS recruitment professionals, "is often synonymous with high quality."

Regrettably, "alumni legacies" have accounted for a rather small proportion of the entering classes at NYLS. However, this Fall there are 19 relatives of alumni in attendance. Interestingly, the greater number of these alumni legacies are related to graduates of a more recent vintage, and are thus more likely to be siblings rather than children of alumni. Although, Anne Parry, Class of '86, is a direct descendant of a graduate of the class of 1912.

The fact that New York Law School ranks first in enrollment of minority law students among all law schools in New York State is consistent with its tradition of concern about the relationship between the law school and the public it serves. For instance, Mr. Sterling Kinsale, recent graduate of Williams College and semi-professional athlete, is attending NYLS in conjunction with a continuing commitment to community activism and a full-time job.

Tracing this heritage of equal-

ity, Dean Scanlon told a group of NYLS Legal writing Faculty that:

"Quite frankly the case method (versus the lecture method) controversy has been overemphasized to the detriment of some of the more interesting philosophical differences that went into the positive foundation of New York Law School in the late 1890's.

"Dwight envisioned a law school that would remain sensitive to the needs of the public, near the courts and would be opened to emancipated slaves . . . A part-time program and an admissions policy that allowed enrollment of women and recent immigrants, made the American Bar Association less than hospitable towards New York Law School . . . Notwithstanding that "graduates from the early period were clearly among the brightest young lawyers in the country. They went on to found many of the major Wall Street law firms and to assume leadership at all levels of government."

Perhaps the salient attribute typical of the 1982-83 entering class is their diversity: As Dean Scanlon pointed out, "not so remarkable is our 18% minority category but the difference within that group and the diversity among the remaining 80%."

Illustrative of the special abilities possessed by these individuals are such students as: Joyce Gwendolyn Ashley, a special education professional for 25 years and a sculptor; Gloria Louise Greenidge, active in minority issues, whose "socially oriented concerns," were her motivation for applying to NYLS, after having raised three children and establishing a career in the natural sciences. A similar concern for the "condition of the community of men," motivated another entering student of a strikingly different background to enter the field of law. In his application for admission to NYLS, Mr. William Jarrett Hough III, spoke of his involvement as a Peace Corps volunteer on a project to bring primary health care to villagers in Mali, West Africa, as well as his intramural activities at Colby College.

Perhaps the most variegated contingent attends the evening division. Attracting top quality students, this group includes a number of men and women who hold responsible positions in

business and government, women returning to the job market and those who have been successful in one career and are looking towards the Law to open up new vistas.

Catherine Claire Downing, for example, one of the new admissions for 1982, is returning to school after having not only raised a family, but having accomplished herself in the study of opera and achieving notice in the musical theater.

Admission standards for the evening division are no less stringent than those of the day Division. This is "a bit unusual," according to assistant director for Admissions Diana Chabrier, "as most other institutions are less selective on evening admissions." NYLS Evening Division is one of the most competitive evening law school programs in the country.

A canvass of student attitudes in campuses throughout the country show a significant change in the focus and priorities of potential law school applicants. According to the Admissions Office, this shift of focal concerns to job placement opportunities and financial aid availability has added to the attractiveness of NYLS resources. The combination of the Law School's scholastic specialties with a renewed consciousness of the rewards offered by an urban environment has led to a much greater geographic representation amongst the students as well as an increasingly competitive admissions picture.

By dint of a realistic and proactive admissions strategy over the past decade, NYLS has become recognized as a viable alternative choice for those students either unable or unwilling to attend the very top or "A-ranked" law schools. (Asked to define an A-ranked law school, Dean Scanlon replied: "One of the 15 or 18 law schools who count themselves among the top 10.")

NYLS, which had the distinct advantage of having a glorious history, developed the faculty, curriculum and resources to become the alternative choice law school for the Northeast.

... Trustee Alexander Forger



The trappings of success are readily apparent in the spacious and well-appointed quarters of Milbank, Tweed, Hadley and McCloy where Alexander Forger directs the Trust Division. Commenting specifically on the area of trust and estate matters, Mr. Forger said that the key to effective management is retention of one's independent judgement.

"So often in this kind of practice you become exposed to the personal problems and likes and dislikes of the clients. (Jacqueline Onassis numbers amongst Mr. Forger's clients.) Often they become your close personal friends. But you lose part of your utility when you lose your sense of independence and objectivity."

Mr. Forger's functional philosophy is undoubtedly tied to his experiences in law school and his considered and serious approach to the study of jurisprudence.

He related, "I went to Yale Law School in the late forties when it was at the forefront of change in legal education. I remember being surprised, initially when one of my early courses was taught by someone without a law degree.

"It was less of a technical and more of a broader ranged education; I not only learned what the law is and how to find it, but it caused me to start thinking about what the law should be. Part of our responsibility as lawyers is that we should work for the improvement of the process and to change those things that are outmoded."

Alexander Forger feels that the type of education he received at Yale is not a luxury that is reserved for Ivy League academe. He affirms that "this type of training is more a matter of attitude. It doesn't relate to a day or an evening division, wealth of endowment, or beauty of building. It is principally that those who are charged with devising the content of the education reflect in large measure their outlook as to the purpose of the law school and the function of law." In this regard, Mr. Forger feels that NYLS has made great strides in reestablishing its position of pre-eminence in legal education.

Of the factors that induced Mr. Forger to accept a position as trustee of the Law School is, in his words, "the free spirit . . . there are limited inhibitions and constraints." For a man who extols independence and welcomes changes, "the ability to chart a new course and go ahead and implement it without two years of bureaucratic wait," is essential to his brand of leadership. Another inducement was the presence of Visiting Professor Myres McDougal, Yale Professor Emeritus.

Alluding to a recent piece by Dean Shapiro, printed in the *New York Law Journal*, entitled "The Independent Law School," Forger likened the process of innovation in many of the major law schools to turning the QE2 around in the Hudson River — "It isn't like taking a power boat out." During this first year as trustee, Forger welcomes the opportunity of immediately being

able to get into some of the substantive issues.

Alexander Forger is himself, no neophyte in dealing with the vicissitudes of both survival and change. During his tenure as President of the New York State Bar Association (commencing July, 1980) the legal profession was reeling from the effects of U.S. Supreme Court decisions regarding the application of anti-trust rules to the profession. The most dramatic effect was in the way fees were to be set. Rejecting the argument that the practice of law was a learned profession exempt from the usual rules of trade and commerce, the Court ruled that lawyering was a commercial enterprise; thus not only was price fixing taboo, but the prohibition against advertising was overruled.

While the greater number of his colleagues were vociferous in their protest against this challenge to what they viewed as their professional autonomy, Mr. Forger greeted the cataclysm as an opening up of the profession. He reasoned that it "helped give rise to legal clinics and to mechanisms through which the public could find more direct access to lawyers and have a clearer notion of their fees.

He cooperated with subsequent FTC efforts to investigate the profession and supported the more generic movement to totally revise the canon of ethics by which lawyers are governed. These were independent and courageous stances, in light of the ferocity of the ensuing debate. What absorbed Mr. Forger most, however, was not the spectre of radical dramatic change in the profession, but rather dealing with the dynamics of orchestrating a mediated transition period.

Perhaps, one of the more controversial propositions bandied about during the period of the Forger Presidency of the Bar Association would have made pro bono work a requirement for membership in the Bar Association. Forger's support of this provision is consistent with his views about the public service responsibilities of the lawyer. Commitment to the greater public interest is a pre-requisite to the realization of Forger's three-dimensional professional status. He contends that lawyers by training are in a position to make a substantial contribution in terms of their analytic and advocacy skills.

The benefits, according to Forger, are mutual in that "involvement in public service is a fantastic learning experience, sensitizing people to the problems from another point of view . . . a sobering kind of experience as well as an enlightening one. It can prepare you for any type of endeavor."

The breadth of Mr. Forger's professional activities and his charitable and community affiliations bear out his hypothesis. Both in theory and in deed, he is an activist. Associate Dean Margaret Bearn has remarked upon the tremendous amount of energy and concern he devotes to these endeavors. Dean Shapiro, who served on the Judicial Appointment Committee of the First Appellate Division with Forger, found him to be one of the "most impressive members of the Committee."

Former President and current Director of the Board of the Legal Aid Society, Mr. Forger commented on the shift in the political climate of the country and its effect on the Society. "When the direction of the national administration is geared towards totally eliminating the Legal Services Corporation, it makes it far more difficult to convince the public that representation is essential to a democratic society. Even lawyers are affected by the shift in that they begin to feel that maybe legal aid isn't necessary — it clogs the courts."

When queried about the resources he brings to his various extraprofessional activities and the expectations his colleagues have of him, Mr. Forger replied somewhat humbly; "It certainly isn't for my wealth, and it can't be for my brilliance, so maybe it's independence of mind. I would hope folks might think I was a useful advocate for their cause."

Needless to say, Forger's active professional life leaves little time for such pursuits as hang-gliding or salmon fishing. According to Forger he used to be defensive about his indifference to such gentlemanly pursuits, but has come to realize that for him the greatest enjoyment in life revolves around a **"three-dimensional existence: his practice, his family and the community."**

Class Action

1927

Irvin Husin of Husin, Miller & Levy has been appointed Chairman of the Alumni Association Membership Committee.

Irving Vigdor had, as reported in the *Times-Union City* (Rochester, New York) a "friendly day in court" on September 1, when his granddaughter and her husband were admitted to practice in federal court by U.S. District Judge Michael Telesca. Jill Vigdor-Feldman is clerk for State Supreme Court Justice Richard Rosenbloom and her husband, Jonathan Feldman clerks for Judge Telesca. Mr. Vigdor's son, Justin, a former president of the Bar Association, sponsored Mrs. Vigdor-Feldman.

Joseph Solomon of Pincus, Ohrenstein, Bizar, D'Allesandro & Solomon was featured as a WOR-TV "apple polisher" on October 13. Introduced by the program's moderator as the "modern-day Horatio Alger who's helping others to succeed," Mr. Solomon was lauded for his philanthropy and his perseverance. The segment traced Mr. Solomon's upward climb from his birth on the Lower East Side about 77 years ago to his eminence as a lawyer and as a benefactor: "He was a delivery boy; he sold newspapers; and he had to quit elementary school so that he could support his family." Who says nice guys finish last?

1951

Bernard Eiber will be a panelist at a seminar on estate planning which will be presented by the Queens County Bar Association on February 23 and March 2nd.

Please direct information for Class Action to:

Lois Whipple, Editor
Office of Development and Alumni Affairs
57 Worth Street
New York, NY 10029

1956

Hon. Sybil Hart Kooper, New York State Supreme Court, was the chairperson of the 1982 convention of the National Association of Women Judges. One of the Association's objectives is to "increase the number of women judges so that the judiciary more appropriately reflects the role of women in a democratic society."

1957

Ernest Marmorek has been appointed chairman of the New York County Lawyers' Association Committee on Patents, Trademarks and Copyrights.

1958

Hon. Newton Greenberg has been appointed a United States Administrative Law Judge with the Department of Health and Human Resources.

William P. Mason III has opened a private law practice located in New Canaan, Connecticut.

1959

Herbert Berman is a member of the New York City Council, representing Brooklyn's District 23.

Hon. George G. Bernhard was re-elected Dutchess County Family Court Judge. Judge Bernhard has been serving Dutchess County Family Court since being appointed by Governor Rockefeller in July of 1972.

1964

Hon. Charles Kuffner was elected to the Supreme Court, State of New York, 2nd Judicial District. A celebration of fellow Staten Island alumni is being planned by the Staten Island Heritage Fund Chairman, Carmen Cognetta Jr. '73.

1967

Michael Miller, president of the Miller Mining Company in Los Angeles was appointed vice chairman of the Board of the Commercial Bank of California.

Elaine Rudnick Sheps, of Rudnick & Sheps, had been elected to the Board of the Trial Lawyers Association. Ms. Sheps was program chairperson of the Association's recent five-session seminar, "Essential Elements of Winning a Case-Equitable Distribution Today."

1968

Edward Filardi, a partner in the firm of Brumbaugh, Graves, Donohue & Raymond of New York City, has been elected to the Board of Directors of the American Patent Law Association for a three-year period commencing October 1.

Jack Wurgaft has formed a professional corporation under the name of Javerbaum & Wurgaft, located in Springfield, New Jersey.

1970

Stephen Lampach has retired from his position as assistant staff division engineer, with the New York Transit Authority after 23 years, to live in Israel.

1972

David Heimowitz is practicing law with his brother at Heroti, Heimowitz & Co. in Tel Aviv, Israel.

A. Michael Weber has joined the firm of Roberts & Finger as counsel.

1973

Leonard Mancusi was appointed Assistant Comptroller of the City of New York.

Richard Russell, partner in the firm of Loveland, Garrett & Russell, and Ocean City Municipal Court magistrate, has been named to the executive committee of the New Jersey State Bar Family Law Section.

1974

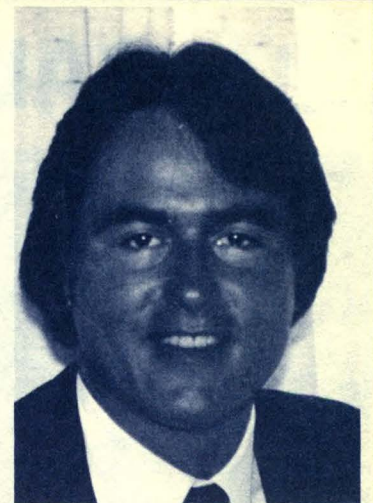
Allen Currier has been appointed comptroller of Brookdale Hospital Medical Center, Brooklyn's largest voluntary nonprofit teaching hospital.

George Heymann has been elected as a member of the Board of Directors of United Cerebral Palsy of Queens.

1975

Edward O'Loughlin is newly admitted to practice in the United States Court of International Trade.

Dennis Spillane's article examining federal and state decisions on stop and frisk criminal law issues, entitled "Frisking the Fourth Amendment," was published in the Spring 1982 issue of *Human Rights Law Journal*.

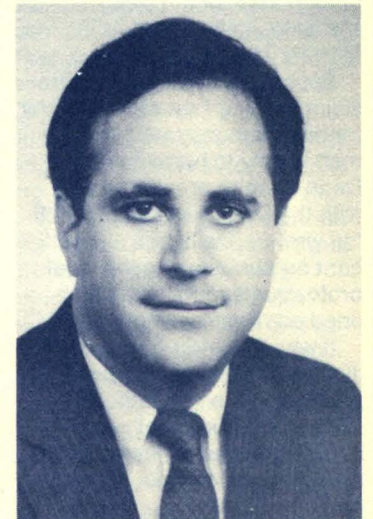


1976

Patrick Mulhearn was named as Counsel to Mayor Edward Koch. The Mayor applauded Mr. Mulhearn for his representation of New York City's voting rights in Washington, stating that he is "convinced Mr. Mulhearn has the skills and temperament that will make him a first-rate Counsel to the Mayor." Patrick Mulhearn has also recently been named to the Manhattan College Board of Trustees.

1977

Alan Clark has joined the newly named firm of Blume, Easton & Clark of Mineola, New York.



Robert Yass has been promoted to Counsel at the Hartford Insurance Group. Mr. Yass who joined the company in 1972 as a bond underwriter, had been serving as Counsel to The Hartford's re-insurance surplus lines subsidiary, Cameron and Colby, of Boston.

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GALA ALUMNI REUNION



Dean Shapiro presents Justice Murphy with Dean's Medal

Justice Francis T. Murphy Jr.: Man of the Hour

Spontaneous applause and collective approval greeted the presentation of the Dean's Medal to Justice Francis T. Murphy Jr.

Succinctly commending Presiding Justice Francis T. Murphy for his "demonstrated uncommon loyalty to his alma mater;" Dean Shapiro presented him with the Dean's Medal of NYLS "in view of (the Judge's) significant contributions to the legal profession and to the enlightened administration of justice."

It was the latter topic which Justice Murphy chose to expound upon to the gathering: "The trial justice really must try and decide cases based on the evidence and the law, on justice and on conscience, compassion and integrity. . . . He cannot function in his job as he should, unless he is free of administrative pressures that drive him to make decisions simply for the sake of finishing and moving on to the next case."

Similar sentiments were expressed by Chief Justice Warren E. Burger (LL.D. 1976) the following week at a New York

University function, when he cautioned that growing case-loads were seriously imperiling the nation's judicial system.

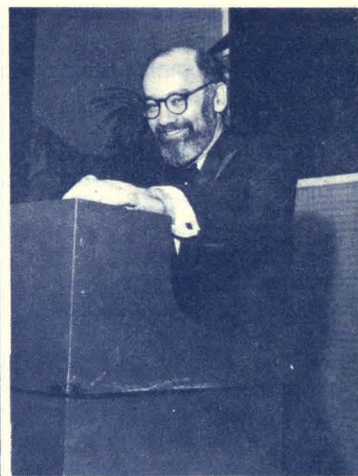
Examining the reason for the administrative morass, Justice Burger described "an increasingly litigious citizenry and a growing tendency to look to the courts as the appropriate final arbiter of all issues, whether economic, political or social."

In closing his speech, Justice Murphy thanked the Law school for equipping him and his fellow alumni "with the means and desire to make our society better."

"While other Law Schools have set their sights on corporate wealth and propertied interests, this School has never changed its simple design—education of the excellent lawyer for service to every class, however large, and to every interest, however small."

The brevity and wit of the Judge's comments held true to his opening line; "As Henry the Eighth said to his third wife—'I won't take up too much of your time.'"

The evening was one of reminiscence and reflection coupled with a vision of future directions and leadership for both the Law School and the Association: E. Donald Shapiro will be stepping down as Dean of NYLS after a decade of outstanding accomplishments in renewing and continuing academic excellence at the Law School. The tenure of the Honorable Eli Wager's presidency of the Alumni Association is also drawing to an estimable close. Under the stewardship of Judge Wager, the Association has flourished, establishing itself as a vital element in the life of New York Law School.



Dinner Chairman, Hon. Ernst Rosenberger addresses alumni.



What Class Year? 1927

The Wager Way

The Alumni Association under the leadership of Eli Wager ('54) has prospered. For the first time in the Association's history the membership has surpassed the mark of 2000, a percentage of alumni participation well above the national average. During the Law School's last academic year, NYLS graduates contributed a pace setting \$160,000. The P.L.E.A. program (Practical Legal Education for Attorneys) sponsored by the Association, has not only served the Law School's alumni and students, but has demonstrated, in the words of Judge Ernst Rosenberger, "to the rest of the profession the high calibre of our commitment to continuing legal education."

In his address to the Dinner guests, Judge Wager reflected upon his two years as President of the Alumni Association; "They have been two of the most gratifying years of my life, since during that time, you and I have worked together to increase alumni consciousness of the Law School." Citing perhaps the most conclusive measure of Alumni comraderie, President Wager affirmed that "more of us are hiring our brother and sister alumni and more of us are gaining superior employment opportunities within the profession."

REMINISCENCE AND RENEWAL

Dean Shapiro's Era 1972-82

In October Dr. John V. Thornton, Chairman of the NYLS Board of Trustees announced to the legal community—E. Donald Shapiro's decision to step down as Dean of NYLS. Dean Shapiro has completed 10 years of service to the Law School; one of the longest terms of office for a Law School Dean in contemporary legal education.

Dr. Thornton described E. Donald Shapiro as an "outstanding Dean endowed with a deep sense of the Law School's illustrious history. . . . He has enhanced the educational program with an outstanding faculty and supporting services to provide superior legal education for the School's excellent student body." (See The Shapiro Years *Facts and Figures* below.)

Introducing Dean Shapiro at the Annual Dinner, Alumni Association President Eli Wager confirmed that the "Shapiro Era at New York Law School is likely to be judged the most significant decade in the School's long history. "In his time, the School's prestige in the legal community and its standing among law schools of the nation have been elevated to an unprecedented level."

Standing before many old and cherished friends and colleagues, Dean Shapiro reflected upon his tenure; "It has been the most constructive and fulfilling ten years of my life. . . . The last 10 years hold many happy memories . . ."

Dean Shapiro is looking forward to a one year sabbatical (as is his wife) after stepping down in June. He will be returning to the School as a member of the full-time faculty, in NYLS's first endowed chair, as Joseph Solomon Distinguished Professor of Law.

In his closing remarks, Dean Shapiro emphasized that the Law School was fortunate, during this transition period, to have the services of Professor B.J. George Jr., who has been named as Deputy Dean Pro-Tem by the faculty and the Board of Trustees. Over the course of the next year, the Board and the entire Law School community will be engaged in a national search for a successor Dean, who in the words of Chairman Thornton will be of a caliber "to continue the impressive development of the Law School so ably guided during these past ten years by Dean Shapiro."



(left to right): Deputy Dean B. James George Jr.; Justice Francis Murphy Jr.; Hon. Mary Cerbone, Sec'y of Alumni Association; and Dean Emeritus David Gutman.

Deputy Dean Ensures Smooth Transition

As newly appointed Deputy Dean, Professor B. James George Jr., will oversee academic and student matters at NYLS and generally will be at the helm of the Law School until a successor Dean is chosen.

Professor George not only brings academic prestige and professional recognition to his position, but he brings administrative experience as well. Teaching at NYLS since 1980, the Professor has continued to have significant impact on legal and administrative matters bearing on the criminal justice system. His preeminence in the field of criminal procedures is widely acknowledged, illustrated by his leadership on relevant American Bar Association committees.

Professor George is also a specialist in the area of Japanese Law, a field in which he has been honored by a number of visiting appointments including Fulbright lectureships in this country and abroad. His list of publications (both in Japanese and English) is extensive, comprising the erudite and the empirical.

Prior to joining the NYLS faculty, Dean George held a number of dynamic positions including most recently: President of Southwestern Legal Foundation; Acting Dean, Professor of Law and Director of the Center for the Administration of Justice, Wayne State University; and Associate Director, Practising Law Institute.

B. James George Jr.'s career is a composite of academic and professional achievements coupled with a commitment to serving the government and its legislative process, as exemplified by; his membership on Federal Criminal Justice Task Forces, the breadth of his advisory activities on criminal justice matters in the State of Michigan and his role as special consultant to the House of Representatives. Professor George's synthesis of the academic and the practical are consistent with both the Law School's curriculum objectives and its role in the urban legal community, making him the ideal Deputy Dean during this all important transitional period.

The Shapiro Years Facts and Figures A Decade of Growth at New York Law School

	1972	1982
STUDENTS		
Enrollment:		
Full-time	340	920
Part-time	330	500
Average LSAT	565	636
Average GPA	2.65	3.01
Median LSAT	553	630
Median GPA	-	3.05
Financial Aid Allocations*	\$13,400	\$750,000
FACULTY		
Full-time	12	40
Part-time	9	71
LIBRARY		
Number of Volumes	61,000	223,000
Budget	\$80,000	\$1,000,000
PHYSICAL PLANT	57,000 sq. ft.	113,000 sq. ft.
TOTAL GIFT SUPPORT	\$20,000	\$601,000
NUMBER OF ACTIVE ALUMNI	3,349	6,167

*Estimated

... Class Action 1977 (continued)

Jay Itkowitz, former assistant corporation counsel for the City of New York and member of the Legal Writing faculty at New York Law School has opened his office for the practice of law in New York City.

Michael Nugent has been made a partner and shareholder in the law firm of Cone, Wagner, Nugent, Johnson, Hanouri & Roth, P.A.

Allen Turek and his wife Cynthia announce the birth of their son Dylan Michael Medlock-Turek on May 26.

1978
Michael Flynn, former associate of Elkind & Lampson, P.C. has become a partner of Elkind, Flynn & Maurer, P.C.

Rhoda Diane Grossberg has joined the firm of Fuchsberg & Fuchsberg as an associate in the medical malpractice division.

Margaret Guseman-Campiz is engaged in the general practice of law, with offices at Park Avenue in Manhattan.

Judith Kozlowski, formerly with the Manhattan D.A.'s Office is now associated with Goldman and Hafetz.

John Jude Moran is under contract to Prentice-Hall to write a college text book he has entitled *Practical Business Law*, scheduled for publication in Autumn of 1984. Currently Mr. Moran is engaged in the practice of law specializing in estate planning and real estate law, at Cameron Lake, Staten Island.

Richard Uslan, former assistant Essex County prosecutor has become associated with the firm of Javerbaum and Wurgaft, of New Jersey.

1979
Dr. Vivien Boniuk, a lawyer-physician was the winner of the 40-49 age category at the "Courthouse Run" on October 24. More than 500 lawyers and judges participated in the four-mile race, sponsored by the *National Law Journal*. The course stretched over the Brooklyn Bridge from the Federal Courthouse in Foley Square to the Federal Courthouse in Brooklyn.

James Charne has been appointed chairman of the New York County Lawyers' Association Committee on Communications and Entertainment Law.

Marcy E. Feller is currently an assistant Counsel to the New York State Office of Professional Medical Conduct. Ms. Feller resides in Jackson Heights and would enjoy hearing from long lost freinds.

Linda Klang has joined the tax department of Coopers & Lybrand, CPA as tax specialist. Ms. Klang's article concerning New York and New Jersey tax developments will appear in the December, *CPA Journal*.

Francine Spilke who is assistant to Acting State Supreme Court Justice Bernard Fuchs, was married to Robert Kaplan, an associate with the Manhattan law firm of Golenbock and Barell.

1980
Luisa A. Barrack former *Law Review* research editor, married David Karel.

Dean Cycon's article entitled "Calming Troubled Waters: The Developing International Regime to Control Operational Pollution," was published in the *Journal of Maritime Law and Commerce*.

Cal Feingold has become associated with the Hackensack, New Jersey firm of Jerome A. Deene.

James Frankie, an attorney with **Richard Hartman '65** law offices in New York City, married Sharon O'Malley.

Thomas Heagney is a partner in the newly amalgamated firm forming Heagney, Lennon, Tesesi & Slane with offices in Greenwich, Connecticut. Heagney serves on the Greenwich Representative Town Meeting and has been a clerk in the Superior Court.

Yvonne J. Perkins has been promoted to supervising attorney of the Paternity Division of the Cook County State's Attorney Office in Illinois.

Gideon Rothschild has entered a CPA partnership under the name of Rothschild and Landau. Mr. Rothschild was married on November 22nd to Jeryl Pine, a commercial leasing specialist with Cushman and Wakefield.

Richard Shapiro has been promoted to the position of Vice President at Salomon Brothers Inc.

Harvey Vee has become associated with firm of Soukup and Hibner located in Garden City, New York.

1981
Michael Bast has announced the opening of an office for the practice of law located in Manhattan, of which **Shelley Rossoff** has been appointed executive manager.

Henry T. Berry has become associated with the firm of Barrett, Smith, Schapiro, Simon & Armstrong, after having clerked for Judge Laurence W. Pierce.

Kevin Corcoran announces the formation of the partnership of Wiacek & Corcoran with offices in White Plains, New York for the general practice of law.

Carlos Cruz, Jr. was named assistant district attorney, Bronx District Attorney's Office.

David Kagan has become associated with firm of Sullivan & Cromwell following his Clerkship with Judge Roger Miner '56.

Harvey Kampton has been associated with Haas, Greenstein, Hauser, Cohen & Gerstein of Manhattan since their formation in May of 1982.

William McGoldrick and his wife Maureen announce the birth of their fourth daughter Dorothy Mary on July 11th.

Maria Melchiori has joined the law firm of Rider Drake Sommers & Loeb of Newburgh, New York as an associate in its corporate law department.

Petro Stawnychy has become associated with the firm of Pincus, Gordon & Zuckerman of New Brunswick, New Jersey.

1982
Three recent graduates have begun their much coveted one-year positions as Federal Judge's clerks:
Linda Doyle Crawford is clerking for Chief Judge Constance Baker Motley, Southern District Court;
Loretta Davis is clerking for Judge John Cannella, Southern District Court;
Susan Lore is clerking for Magistrate Shira Scheindlin, Eastern District Court.

Ralph Clifford is the winner of the Second Prize in the 1982 Nathan Burkan Memorial Competition at New York Law School, sponsored by the American Society of Composers, Authors and Publishers. Mr. Clifford's paper entitled "The Legal Protection of Computer Software: The Copyright Alternative," analyzed the adequacy of the legal protection available for computer software with an emphasis on the Copyright Act of 1976. As an independent computer consultant, Mr. Clifford contracts with major corporations to create and maintain appropriate computer software.

Upstate Alumni Party



Upstate Alumni Association Chairman, Richard Meyers '58 welcomes fellow alumni at November 16 reception in Albany. The turnout was superb and the spirits high as Upstaters applauded two of their own: Hon. Roger Miner '56, New York State Supreme Court Judge, Northern District; and Raymond Marinelli '62, Surrogate's Court Judge, Albany County.

Faculty and Administration News

Honorable Howard Baer Jr., NYLS adjunct professor and a partner in the law firm of Gugenheimer & Untermeyer was elected to the Supreme Court in Manhattan.

Associate Dean Margaret S. Bearn has been named chair of the New York County Lawyers' Association Committee on Legal Education, Admission to the Bar and Lawyer Placement.

Professor Lisa Blitman has recently been extensively quoted in newspapers across the country regarding New York Law School's *Street Law Clinic*; Current research undertaken by the Office of Juvenile Justice and Delinquency Prevention concluded that high school students who had participated in a street law program were less likely to use violence to solve problems after a two-year tracking period.

Professor Michael Botein, Director of the Communications Law Center wrote a piece for the "Telecom Insiders" newsletter which examined the threat of substantial financial impact on the cable industry posed by the recent Supreme Court decision in the case of *Loretto v. Teleprompter Manhattan CATV Corp.*

On November 4, Professor Botein spoke at the UNDA-USA conference in Chicago, which is the national association of Catholic telecommunications users. Botein's presentation concerned the constitutional and statutory considerations in the regulation of cable programming.

In November **Professor James Brook** addressed the Faculty Workshop on Legal Theory of the Université de Sherbrooke in Quebec. His topic was the use of probabilistic information to prove identity in civil litigation. While the topic is one that has caused much comment in American and British academic circles, this may have been the first time it was the subject of discussion at a French language university. An article by Professor Brook on the topic appears in a recent issue of the *Tulsa Law Journal*.

Professor William Bruce was consulted on an article entitled, "Cameras in Court," which appeared in the August 14 edition of the TV Guide. Professor Bruce cautioned on the "danger of prurient coverage—that would make a trial into a circus of victims' pain and humiliation."

Diana Chabrier, Assistant Director of Admissions, participated in a panel discussion at Cornell University entitled, "Admissions Criteria for Law School."

Deputy Dean B. James George Jr. served as a commentator on a panel of the International Conference on the Islamic Criminal Justice System, October 29 at the University of Chicago. The conference was co-sponsored by the American chapter of the International Penal Law Association, the Center for Crime Prevention of the Saudi Arabian Ministry of the Interior, the University of Chicago Center for Middle Eastern Studies, DePaul University College of Law, and the Mid America-Arab Chamber of Commerce.

At the business meeting of the American chapter held that evening, Dean George was elected president, which also means he will serve on the board of the parent Association Internationale de Droit Penal.

Professor Joel Glanstein presented the annual review of the "Latest Developments in Labor Arbitration and Collective Bargaining" by the New York State Bar Association for its Labor and Employment Law Section Fall Meeting held October 7th-10th at Saratoga Springs.

Professor Gustave Harrow spoke on "Special Problems in Collection Management" on October 22 as part of the New York State Council on the Arts, Museum Workshop Program series, "Legal Issues for Museums," held at the Goethe House. Also on the program was **Professor Seymour Peyser** who spoke on "Copyright and Museum Collections."

Professor Alfred Julien spoke on the pros and cons of the New York State Commission on Judicial Conduct presented by the New York County Lawyers' Association on October 5.

Professor Sidney Kess' column on "Tax Tips" in the October 25th edition of the *New York Law Journal* concluded with a pessimistic note for small businesses which the Professor predicts will "face hard times because of the federal tax legislation while they are also confronting problems that stem from the disorder in the general economy. Things may get worse before they get better."

In his article entitled, "The Search for the Legal Formula," which appeared recently in the September, 1982 issue of *Desktop Computing*. **Professor Paul Korngold** recounts his quest for the right computer system for the law firm of Kaufman, Tuchman, Schwartz and Felles. He soon realized that it was software or programming requirements and not the actual computer (hardware) that constituted the major stumbling block. The Professor shared with the readers his discovery of *The Formula*© (available from Dynamic Microprocessor Associates Inc.) which allows the user to "create any program in minutes without any knowledge of computer language."

Professor David Minars '70 has published an extensive and timely article on "Tax and Legal Aspects of the Professional Corporation," (©P-H Inc. *Tax Ideas*). The analysis examines all the benefits and problems inherent in the professional corporation, particularly in light of the "Tax Equity and Fiscal Responsibility Act of 1982," which all but eliminates the gap between self-employed and corporate retirement plans . . ."

Hon. Edward D. Re, Chief Judge of the United States Court of International Trade and New York Law School adjunct professor, was a member of the faculty at a four-day seminar on the "Administration of Justice in a Presidential System of Government" sponsored by the New York University Law School in conjunction with the Institute of Judicial Administration and the Nigerian Institute of Advanced Legal Studies.

Professor Mordécai Rosenfeld began his essay entitled "Harmony on the Supreme Court" by stating that "The bickering, cantankerous members of the Supreme Court agree on only one thing. They work too hard." The piece appeared in the October 4 edition of the *New York Law Journal*.

Professor Edward Samuels participated in a panel discussion on October 8 at the Annual Convention of the College Music Society in Boston. The discussion focused upon copyright problems in the teaching of music.

Dean E. Donald Shapiro has been reappointed to the chair of the New York County Lawyers' Association Committee on Penal and Correctional Reform. The Dean commends the following New York Law School faculty and alumni who have made important contributions to the work of the Committee: **John Barth '79, James Connors '77, Lorin Marc Duckman '73, Deputy Dean B. James George, Jr., Professor Jul Eliot Graham '78, Hon. Robert Kaplan '50, Mathew Mari '76, Hon. Ernst Rosenberger '58, and Hon. Robert Ruskin '50.**



The President of the Federal Republic of West Germany has bestowed upon **Professor Otto Walter**, the Commanders Cross of the Order of Merit of the Federal Republic of Germany—its highest honor—for his outstanding merits.

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Nuclear Symposium Triggers Heated Debate



While undoubtedly all the panelists and participants at the NYLS sponsored "Nuclear Arms and World Public Order" Symposium would agree that the prevention of nuclear war is the greatest moral problem civilization has known, there was a tangible schism regarding approaches to the solution. However, both the proponents of a nuclear freeze and supporters of deterrence concurred that the role of the lawyer was critical to the process of arms limitation.

The Symposium, held on October 23 at the Law School, was organized by the International Law Society of NYLS to "provide a forum for debate on the effects and long-term consequences of current and alternative nuclear weapons policies."

The first panel, "Nuclear Fallout: Effects and Consequences," proved to be a sobering inauguration to the day-long Symposium. Dr. Bernard Feld, Professor of Physics at the Massachusetts Institute of Technology, who was a physicist with the Manhattan Project, bemoaned the current strategic doctrines that consider as "acceptable" the risk of the consequences of nuclear war: "At best, civilization would be crippled; at worst, it would be annihilated."

The subsequent panel "Nuclear Weapons in International Law" set up the dialectic which was to permeate the remainder of the conference: Where does the law stand on nuclear weapons? Representatives of the Lawyers' Committee on Nuclear Policy (LCNP) advocated legal activity consistent with the Committee's position which finds nuclear weapons to be incompatible with the core precepts of International Law—"criminalizing the manufacture, possession and ownership of nuclear weapons."

Commenting on this activist position, Professor W. Michael Reisman, Professor of International Law at Yale Law School, objected to the viability of the approach: "It would seem to be much more appropriate to begin investigation of the actual perspective held by elite members in the United States and the Soviet Union to determine whether or not they are building, stocking and developing plans for the use of these weapons under certain contingencies. If we determine that they are, I think it would be very perilous for us to conclude that we are not dealing with something that is effectively law."

In the dialogue that followed the presentation, Distinguished Visiting Professor of Law at NYLS, Myres S. McDougal (Sterling Professor of Law, Emeritus, Yale Law School and faculty advisor to the International Law Society) picked up where Reisman left off, posing a somewhat rhetorical response to the anti-deterrence contingent: "Are the only alternatives suicide or surrender?"

Before embarking on the deterrence debate in earnest, the conferees adjourned to a luncheon at which Father Robert Drinan (Professor of Law, President of Americans for Democratic Action and a former member of Congress) was guest speaker. He welcomed the burgeoning disarmament activism amongst lawyers and told the group; "this conference is more important than you may realize because the lawyers and the rest of us do not know what the next step is." Father Drinan went on to describe a number of possible scenarios concerning nuclear arms and the world public order—some gravely apocalyptic, others contingent upon a "revolution of humanitarianism."

The Symposium resumed with a discussion on "Nuclear Weapons Policy: Past, Present and Future." The combined expertise of the panelists and their privileged entree to the workings of power and the setting of policy made for a very attentive if hesitant audience response.

The Speakers included: Gerald Smith, Director of the United States Arms Control and Disarmament Agency and Chief of the SALT I delegation; Lieutenant General Royal B. Allison USAF (retired); and Robert T. Grey Jr. Deputy Director, United States Arms Control and Disarmament Agency. Commentary was given by Professor McDougal and Professor Saul Mendlovitz.

Gerald C. Smith: "It is generally accepted that control agreements can only be reached when each side calculates that a condition of parity exists. President Reagan has gone out of his way to declare that America is now in effect a second-class nuclear power—a conclusion with which I respectfully, but wholeheartedly disagree. I think we are not behind, that we are not a second-class nuclear power, and that we presently possess ample bargaining power to assure a fair outcome of genuine negotiation. I am not sure that we are as yet engaged in one.

Robert T. Grey Jr.: "The Soviets now lead in most significant measures of overall strategic capability. . . . Soviet nuclear offensive capability now exceeds by far our most pessimistic forecasts of 15 years ago. The Reagan Administration felt the Carter defense program did not go far enough to meet the Soviet threat to our deterrent force. . . . the trends in the strategic situation called for drastic action. . . . This required that we have the capability to hold at risk those things that the Soviet leadership values most highly—military and political control, nuclear and conventional military assets and the industrial capability to sustain war."

. . .

While the divergence of opinion between these two experts was unsettling, a quote from Dante, recited earlier in the symposium, is brought to mind; "The hottest place in hell is reserved for those who remain neutral in the face of great moral crisis."

Art on the Bench

Consistent with the concept of poetic justice, the poetry of Supreme Court Judge Bruce Wright, Class of 1950, is as ironic as it is dramatic. Sponsored by NYLS minority student organization, BALLSA, Judge Wright, in tandem with celebrated defense attorney William Kuntsler, gave a poetry reading at the Law School on October 28th.

The selections read included pieces culled from Judge Wright's 40-year repertoire, collaborations, and eloquent rendi-

tions by Mr. Kuntsler of Dylan Thomas poems.

Judge Wright prefaced his volume of poetry, entitled *Repetitions*, published in 1980, with an aphorism—"love places its victims on emotional welfare roles"—which captures the poignant sense of fate and humor which lace the Judge's work.

Kuntsler and Wright are working on a volume of poetry that will undoubtedly incorporate both the "judicial and the injudicial."



LAW AND THE Musician

Playing for Keeps

If only he had had a lawyer whispering in his ear; "Get an option," he would have been a multi-millionaire today, lamented Sid Bernstein before 200 people assembled for an NYLS Symposium "Law and the Musician" on October 23. (Mr. Bernstein brought the Beatles to America in the early sixties for their first explosive concert at Shea Stadium.) Albeit, the Beatles are not discovered everyday, however judging from the panel discussions at the Symposium, Bernstein's tale of woe is all too familiar in the music business—where deals are forged with a handshake and talent sold for a song.

According to Stan Soocher, president of the NYLS Media Law Project which sponsored the Symposium, "historically, artists have had very few rights. We organized this conference to help raise the consciousness of the musicians and the legal community ... hoping it sends sound waves throughout the largest music town in the world."

For the artist, having the right lawyer is of paramount importance. Speaking on a panel headed "Why a lawyer?" Stanley Snadowsky, entertainment attorney and co-owner of the Bottom Line nightclub counselled the audience; "If you get nothing else out of this, just remember one thing; there is nothing standard—everything is negotiable."

Professor Martin Silfen, who teaches entertainment law at the School and is counsel for such clients as Blondie, Sha-Na-Na and the Cars (and of late, Sid Bernstein) related that "more often than not, creative people sign whatever is placed in front of them ... That's why there are so many horror stories about first-time deals ending up in litigation."

The second panel of the Symposium broke new ground in the area of "The Musician and the New Technology." Panelist, Joel Weinstein, an attorney specializing in international music, film and video rights and contracts presented an overview of new modes of recording distribution. Giving the audience a feel for the impact of the new technology, Weinstein told of a top studio drummer who arrives for recording sessions with his drums under one arm and a computer (for synthesizing) under the other, asking: "Do you want manual or machine?" Introducing the morass of evolving legal battles involving video-music rights, Weinstein remarked that he's heard a record defined as any device, known or unknown, on which sound is recorded, including video images—"it's everything but a toaster."

Discussion of competing technologies and specific facets of the new realities controlling the music business of the Eighties continued at various workshops.

The overwhelming consensus of the participants was that the Media Law Project did an excellent job of bringing together a great variety of people interested in the music business.

The conference was a source of personal satisfaction for Professor Martin Silfen, particularly in that the Symposium organizers had all taken his classes, where they were introduced to most of the panelists they had invited to participate.

The feedback from the panelists was also heartening; "They were very impressed with the knowledge the students have—and by the fact that a lot of them have had interaction in their own lives with the arts ... putting together their own experience as creative entertainers with classroom seminars and individual research."

The Case of the TV Judge

Instead of docket numbers the cases have names like "The Pedigreed Poodle Paternity Suit," or "The Case of the Abominable Snowball," or "The Case of the Munched-on Mailman." It's all part of the calendar on **The People's Court**, aired daily on WABC-TV.

Unlike previous T.V. courtroom dramas, **The People's Court** is not a reenactment, it's real people fighting legal battles over real issues—on the air. Each case is adjudicated by Judge Joseph Wapner, a retired Presiding Judge of the Superior Court in Los Angeles, the largest court in the U.S. The "Judge" listens to testimony, scrutinizes evidence and then retires to chambers, during a commercial break, to consult with researchers and prepare his decision.

This blend of instant justice and real-life drama is undeniably entertaining and perhaps educational. Thus, it was no surprise that a full auditorium of NYLS students, faculty and staff were on hand to greet Judge Wapner at the Law School last month.

Judge Wapner, silver-haired and handsome, appeared as composed and patriarchal (although far more humorous) as when he presides over **The People's Court** in front of millions of viewers, including court-watchers in Thailand and Ireland. But then Wapner is no show-biz neophyte. He attended Hollywood High until the age of 17, when he was told that he had no talent for acting. His father, a lawyer, used to appear regularly on the famed **Divorce Court** TV series.

Responding to objections about the misleading picture of the small-claims process presented by the show, the Judge reminded the audience that a People's Court case is actually not part of the court system. "It is an arbitration—pure and simple."

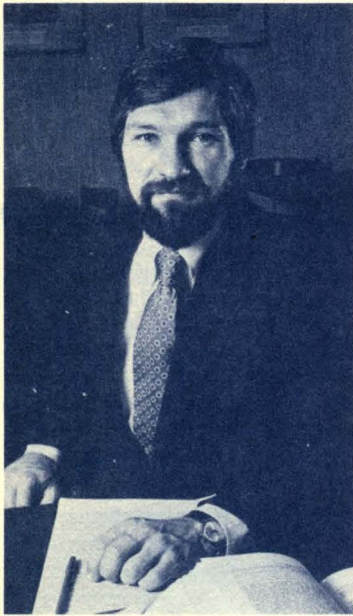


Once a case is selected and the parties interviewed they must sign an agreement to drop the official complaint and abide by Wapner's decision. Echoing a Californian sensibility, the Judge championed the "self-help" aspect of the process. "If you have a grievance, there should be a mechanism to air it."

Admittedly the screening process by which the cases are chosen (from a pool of about 75,000 small-claims cases filed annually in the city of Los Angeles) is quite selective, opting for good-looking and articulate litigants. However, there is no case too small or dispute too mundane for **The People's Court**.

How "The People's Court" could affect the rate of small-claims court cases filed in the U.S. (up last year to a staggering 3.8 million) is a valid question for the legal community to consider—while catching the "Case of the Missing Beauty Pageant Contestant."

New Full-Time Faculty



Associate Professor of Law **George W. Dent Jr.** earned his B.A. from Columbia College where he was a Stone Scholar. Completing his J.D. at Columbia University School of Law in 1973, he went on to pursue a graduate degree in Corporate Law at New York University School of Law. From 1973-4 he served as Law Clerk to the Honorable Paul R. Hays, Judge, U.S. Court of Appeals, Second Circuit. Prior to beginning his academic career, Mr. Dent was an associate with Debevoise, Plimpton, Lyons & Gates.

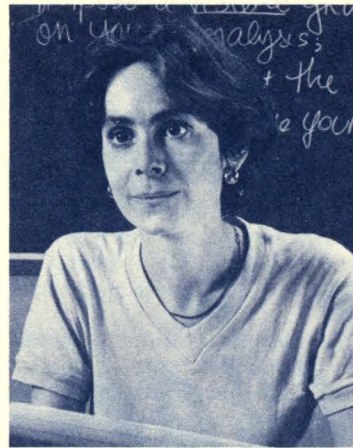
Professor Dent had taught at New York University School of Law and Cardozo before coming to NYLS where he currently teaches Corporations and Securities Regulation.

Published in the area of Corporate Law and Securities Regulation, Professor Dent is a member of the ABA Section on Corporation, Banking and Business Law Committee on Developments in Business Financing.

Michel Rosenfeld joined the NYLS Faculty this year, as Associate Professor of Law. Professor Rosenfeld earned his B.A. in 1969, and an M.A. in 1971, from Columbia University; his J.D. in 1974 from the Northwestern University School of Laws; and an M.Phil in Philosophy from Columbia University in 1978.

Prior to coming to NYLS, Professor Rosenfeld was in private practice with the firm of Skadden, Arps, Slate, Meagher & Flom from 1977 to 1980 where he specialized in tender-offer and securities litigation, and with the firm of Rosenman, Colin, Freund, Lewis & Cohen from 1980 to 1982 where he specialized in commercial, corporate and securities litigation.

In his first year at NYLS, Professor Rosenfeld is teaching Civil Procedure, Jurisprudence, and Lawyers & The System of Justice. His interests also include corporations, administrative law and securities law. Professor Rosenfeld has published articles in the fields of jurisprudence, communications law, corporate and securities law, and professional ethics.



Assistant Professor of Law **Lucille Kaplan** earned her A.B. from Princeton University in 1975 and went on to complete her J.D. at the University of Chicago Law School in 1978. She was an associate with the firm of LeBoeuf, Lamb, Leiby & MacRae and with the firm of Hale, Russell, Gray, Seaman and Birkett from 1978-80.

While in practice, Professor Kaplan specialized in air pollution law and was generally affiliated with the firms' litigation departments.

Upon joining the Brooklyn Law School staff of full-time instructors in 1980, she participated in the development of the law school's new legal writing and research program.

This year at New York Law School, as the Director of the Legal Writing and Research Program, Professor Kaplan has begun to revise the Program, specifically by intensifying practical instruction in writing skills. She is currently the faculty advisor to the First Year Committee of the Moot Court Association.

Assistant Professor of Law **William E. Krisel** graduated from Harvard College in 1976, whereupon he entered Harvard Law School. Completing his J.D. in 1980, he became associated with the Coudert Brothers, specializing in International Tax and International Estate Planning.

Professor Krisel is currently teaching Contracts and will be teaching courses in Estate and Gift Taxation and Estate Planning.

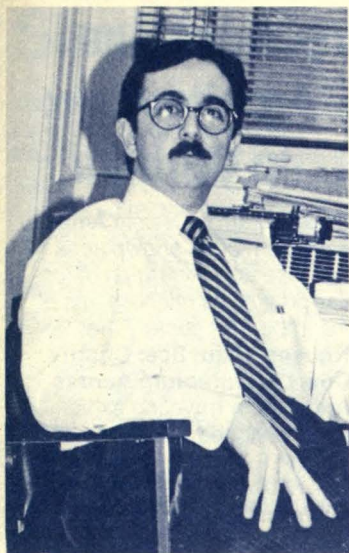
Jeffrey W. Price joined the NYLS faculty this year for a period as Visiting Assistant Professor. He comes here from King's College London, whose Faculty of Laws he joined in 1978. Previous to joining the King's Faculty, Professor Price taught at Reading University.

Professor Price's legal education was at New College, Oxford, where he gained a B.A. in Jurisprudence in 1974, a B.C.L. (Bachelor of Civil Law) in 1976 and an M.A. in 1980. Mr. Price has also spent some time teaching at Brunel University in Uxbridge, Middlesex, and at Trinity and St. John's Colleges, Cambridge.

Upon being called to the Bar of Lincoln's Inn in 1975, he spent some time as pupil barrister in Chancery Chambers before going into academic life. He also spent some time in practice in 1980.

Professor Price is teaching Property at NYLS, which accords with his academic interests in trusts and equity, property, taxation, constitutional and administrative law, and legal history. Since its inception in 1980, Professor Price has been the Assistant Editor of the *Journal of Legal History*.





Assistant Professor **Michael P. Malloy** comes to the Law School from a career of government service and independent scholarship. While still in law school himself, Professor Malloy resolved to seek a career in teaching, but he wanted to establish a strong background and experience in practice first.

Professor Malloy is a 1973 graduate of Georgetown University, and he obtained his law degree from the University of Pennsylvania in 1976. He is currently finishing his dissertation for a Ph.D. in Philosophy at Georgetown. He has published extensively, particularly in the areas of philosophy, international law and finance.

He first worked for the Institute of International Law and Economic Development in Washington, D.C., under a Ford Foundation grant, researching and writing about the problems of "associated states" in their dealings with the Federal Government.

In 1977, he joined the Treasury Department as an attorney-adviser in the Office of Foreign Assets Control. In that capacity he was actively involved in the U.S.-People's Republic of China claims settlement and with the blocking of Iranian assets during the hostage crisis. (He received Treasury's Special Achievement Award for his part in the crisis.)

At the request of the General Counsel of the Securities & Exchange Commission, he joined the Commission primarily to continue work on the securities law problems of national banks. His last position was Special Counsel (Enforcement & Disclosure Policy) in the Commission's Office of the General Counsel.

Assistant Professor of Law **Arthur Leonard** comes to NYLS after five years of practice representing management in labor relations with two of the country's leading labor law firms: Seyfarth, Shaw, Fairweather & Geraldson and Kelley Drye & Warren.

"Practicing labor law was interesting and worthwhile as a preparation to teaching," says Prof. Leonard, "and I think that having gone through several years of practice gave me extra insights that help communicate some of the uniqueness of this field to my students. Although I represented management, I came to practice with an instinctive bias to the employees' perspective, and the result is a healthy skepticism about both sides, which helps me to maintain an even-handed approach in the classroom."

Prof. Leonard earned his B.S. in Industrial and Labor Relations from Cornell University in 1974, and a J.D. from Harvard Law School in 1977. His recent article on health and safety issues in public sector collective bargaining appears in the June 1982 issue of the *Buffalo Law Review*.



Assistant Professor of Law **George Armstrong** received his B.A. from Vanderbilt University in 1974 whereupon he attended Sussex University (U.K.), earning an M.A.

He earned his second M.A. in 1975 from Princeton University. He then attended the University of Pennsylvania School of Law and Princeton University, respectively receiving a J.D. and a Ph.D. While at Princeton he was a lecturer. During 1981-2 Professor Armstrong was an Associate with Alexander & Green.

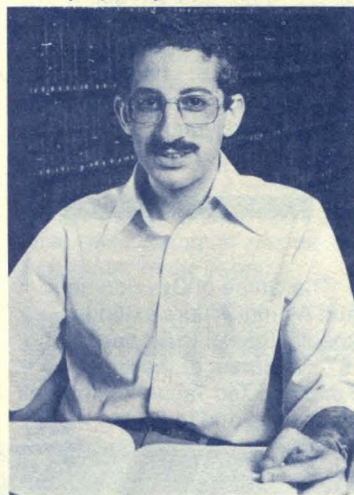
Professor Armstrong taught Constitutional Law this Fall and will be teaching Commercial Transactions in the Spring Semester at NYLS.

He has published in the area of Soviet Law.

In addition to traditional labor law topics, Prof. Leonard is interested in arbitration and questions of discrimination law and minority interests.

As a member of the Sex and Law Committee of the Association of the Bar of the City of New York, he is helping to arrange a symposium on "The Unconventional Family and the Law," which will examine the ways in which recent New York court decisions have tried to accommodate established state policies to the reality of non-traditional "family" grouping in our society.

Apart from the legal world, Prof. Leonard takes an active interest in New York's busy music scene. He is an avid orchestral score reader and classical record collector, and a frequent attendant of symphony and opera performances. He is presently serving as a member of the Friends Committee of the American Symphony Orchestra.



Clinical Assistant Professor of Law **Lloyd Epstein** earned his B.A. from Williams College in 1974 and his J.D. from New York University School of Law in 1979. Prior to joining the full-time faculty at NYLS, Professor Epstein was a staff attorney with the Legal Aid Society. His experience there has proven to be a tremendous resource for the NYLS Criminal Defense Clinic.

NYLS Alumni Association

- I wish to join the New York Law School Alumni Association. I am enclosing the appropriate dues:
- | | |
|---|---------|
| <input type="checkbox"/> Regular member | \$25.00 |
| <input type="checkbox"/> Regular member—retired | 10.00 |
| <input type="checkbox"/> First year through Fifth year after Graduation (1978-1982) | 10.00 |
| <input type="checkbox"/> Sustaining Member | 50.00 |
| <input type="checkbox"/> Patron | 100.00 |

Here is an item for Class Action

Name _____ Year _____

Address _____

Please clip and mail this form to the Office of Development and Alumni Affairs, 57 Worth Street, New York, N.Y. 10013. Dues checks should be made payable to: New York Law School Alumni Association.

Phonathon Volunteers Connect

Where were you on the evenings of November 1, 3, 4 and 7? If you were not at home, chances are you shall soon be hearing from a Phonathon volunteer asking you to make a pledge to the NYLS Heritage Fund. The first phase of Phonathon 1983 has surpassed the initial efforts of previous years by yielding a total of \$23,650 in specified pledge amounts plus a sizable number of commitments for gifts of unspecified amounts.

Approximately 8 out of 10 alumni contacted agreed to contribute to the Law School. This notably high rate of positive response is a tribute to both the progress of the School and the enthusiasm of the 15 alumni and 14 student Phonathon volunteers, who remained undaunted in their dialing—in the face of hundreds of recorded messages, one of which was a computer voice-simulation.

Commenting on the early returns, Phonathon Chairman, Ted Tabak '59 explained that the "Phonathon was both heartening and frustrating at the same time. The response from those contacted was most heartening—they were friendly and receptive—and generous. The frustrating aspect was our inability to reach more alumni. We desperately require the assistance of our alumni to staff the telephones and to personally speak with our graduates."

Phonathon gifts account for approximately 80% of the number of contributions received by the Law School. According to Anne Saplin, NYLS Heritage Fund Director, "the personal contact involved makes the Phonathon a most effective means for generating unrestricted gift support and for helping to keep alumni tuned into what's happening at the school." Ms. Saplin and her cadre of volunteers plan to keep the phones ringing with the goal of increasing alumni participation by 50% (500 plus—new donors) before the June 30 fund raising deadline.

Gifts of every size are important. For instance, if 100 alumni make contributions of \$100 each, the total would be equivalent to two full-tuition scholarships. Most often, Heritage Fund gifts directly support faculty salaries, student financial aid and the library—the latter of which is slated to become a "law library of the future" within the next few years.

The Office of Development and Alumni Affairs extends special thanks to Richard Flynn, '57, Chairman of the Heritage Fund and Ted Tabak '59 for their leadership and to:

Phonathon I Volunteers

Alumni

Telesforo Del Valle Jr. '81
Edward Filardi '68
Mayrose Friedman '50
Paul Garland '75
Margaret Guseman-Campiz '78
Basil O'Connor '75
John Reddy Jr. '79
Christa Hoeher Reddy '79
Leonard Ross '79
David Shipper '82
Larry Silverman '77
Marianne Spraggins '76
Theodore G. Werner '82

Students

Marcia Berkow
Deborah Borowsky
Cheryl Bright
E. Drew Britcher
Silvana De Bellis
Jeffrey Flynn
Mark Gardy
Lawrence Gershberg
Maurine Grossman
Mitchell Krouse
Eugene Maguire
Lisa Murphy
Andrew Ritter
Hayes Young

Courthouse Architecture: In Camera

County courthouses in America have both been showplaces for the wise administration of justice as well as microcosms of the imperfect society they serve.

Houses of Justice: County Court Architecture Across America, a traveling exhibition, commissioned in 1976 by Joseph E. Seagram and Sons, was shown at New York Law School during November. Comprised of 69 photographs, the exhibit captures the diversity and the flavor of local justice:

The Cochise County Courthouse in Bisbee Arizona protrudes from its level and sparsely populated foundation appearing much like a cactus in the desert. The Allegheny County Courthouse in Pittsburgh with its sepulchral corridors and beams mirrors the sombre and steadfast nature of the Pennsylvanians it served in 1884. The former structure is the antithesis of the almost post-modern design (Frank Lloyd, architect) of the Marin County Civic Center in San Rafael, California. Another study in contrasts is the lack of pretension (an under-statement) in the rough-hewn, no-frills Wasco County Courthouse in The Dalles, Oregon; as compared with the grand old-South columns and porticos that provide a hospitable facade to the gilded interiors of the St. Louis County Courthouse.

The county courthouse has been central to the democratic system of government since the beginnings of this nation. It continues to be the place where citizens debate, where they settle their differences, keep the peace, record their property, pay their taxes, and set down births and deaths.

Over the last 200 years the scale, form, and materials of these structures have reflected the prosperity, aspirations, and geographic and cultural diversity of the local citizens. From the simplest vernacular structures to the grandest expressions in stone, steel, and glass, the development of the architectural heritage of the United States can be observed in its courthouses.



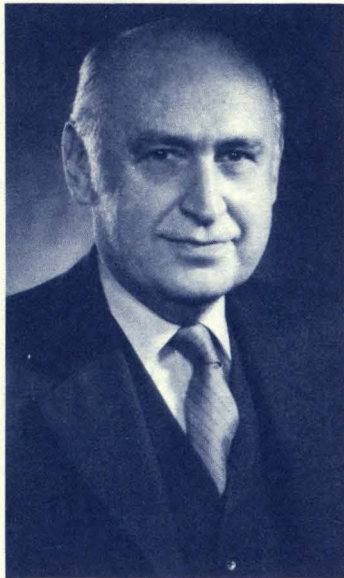
Student Newsmakers

New York Law School's Antitrust Moot Court Team took First Place and Best Oralist honors in the annual Antitrust Competition sponsored by the New York County Lawyers Association. The team of **Brenda Denham Harms '83**, **Sheila Hilley '83** and **Elizabeth Joslin '83** won the final argument against the Cornell University team. Ms. Joslin also took the award for Best Oralist in the competition.

Recently the *Moot Court Association Executive Board* announced the selection of new members to the Board and to the Association. New Board members are **Fred Eckhaus**, **Samuel Gregory** and **Carol Santangelo**.

Ruminating on his role as player representative of the New York Jets during the football strike, **Marvin Powell '86**, a self-described "moderate Republican," faced two of his hardest tackles yet; the National Football league and the extra weight he's gained—"a souvenir of endless meetings, bad meals and untold numbers of cigarettes and cups of coffee." There's little doubt that Powell, who attends NYLS during Spring semesters, is an all-pro adversary.

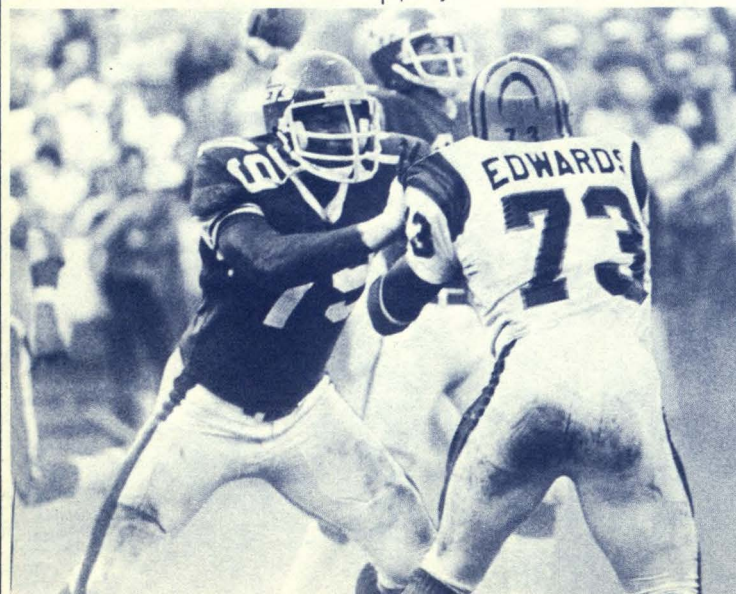
On October 27 Mr. Powell was a panelist on "The Lawyer and the Professional Athlete," program presented by the Association of the Bar of the City of New York; moderated by NYLS adjunct professor Honorable Frederick Berman '51, Acting New York State Supreme Court Justice.



Martin Levin '83 is the winner of the first prize in this year's Nathan Burkan Memorial Competition sponsored by the American Society of Composers, Authors and Publishers (ASCAP), at New York Law School under the aegis of Professor Edward Samuels.

Discussing his winning entry, "Soviet International Copyright: Dream or Nightmare?", Mr. Levin stated that he has been "deeply interested in the reason for the Soviet Union joining the U.C.C." This competition provided the impetus for the original research contained in the paper.

Mr. Levin's success in the competition heralds his choice to prepare for a second career in law, at the age of 63. For the last 16 years, he has been President of the Book Publishing Division of the Times Mirror Company.



New York Jets

In Memoriam

It is with great sadness that the New York Law School community notes the passing of these distinguished alumni and friends.

1907

Louis Sussman was a former president of the Bronx County Bar Association and a member of the Bar for 74 years. He was a member of the Mayor's Committee on the Judiciary during the Wagner Administration.

1922

Louis Waldman was one of the city's foremost labor lawyers. A former Socialist State Assemblyman, Mr. Waldman quit the Socialist Party in 1936 believing that it had become too friendly with the Communist Party.

Mr. Waldman served for many years as the special counsel to the Transit Workers Union; was a former vice president of the City Bar Association; and was elected president of the Brooklyn Bar Association in 1954. His wife, Bella Waldman was his law partner for many years.

1925

Herman Fishlin, father of Lewis Fishlin '68.

1926

Harry Leigh was a former partner with the New York City firm of Turk, Marsh, Kelly & Hoare.

1927

Arthur Naylor

1928

Isidor Feil a lawyer for more than fifty years, was a winner of the Joseph M. Proskauer Award of the Federation of Jewish Philanthropies for his service to the YMHA.

1939

Daniel McGowan Kelly a former Democratic Assemblyman from the West Side of Manhattan, was once described by the Citizens' Union as "the conscience of the Assembly." After retiring from the Assembly he served as a Judge on the Manhattan Civil Court for four years.

1958

Harold Birns (JSD), a public servant for 38 years, was elected to the State Supreme Court in 1969, and became a member of the Appellate Division, First Department in 1982. At the memorial service, Presiding Justice Francis T. Murphy '52 said; "This eminent jurist possessed of a keen intellect and generous spirit, rendered distinguished service to this court."

1959

Robert Joseph Whren was associated with Continental Corporation of New York City for 15 years, having most recently been promoted to manager of the International department of the company.

1981

Friends and family mourn the untimely death of **Sandra Blumenthal**.

New York Law School in Brief

New York Law School In Brief is published six times a year: January, March, May, July, September and November in the interest of the Law School, its alumni and friends.

Editor-in-Chief, **Dean Lucille M. Hillman**
Editor, **Lois Mitrani Whipple**

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Holiday Greetings from NYLS



1982 Alumni Dinner—A Lot of Class