

1-1983

Equitas, vol XIII, no. 3, January 1983

New York Law School

Follow this and additional works at: <https://digitalcommons.nyls.edu/newspapers>

Recommended Citation

New York Law School, "Equitas, vol XIII, no. 3, January 1983" (1983). *Student Newspapers*. 74.
<https://digitalcommons.nyls.edu/newspapers/74>

This Article is brought to you for free and open access by the NYLS Publications at DigitalCommons@NYLS. It has been accepted for inclusion in Student Newspapers by an authorized administrator of DigitalCommons@NYLS.

EQUITAS

VOLUME XIII NUMBER 3

©EQUITAS, 1983

Now in our 13th Year

January, 1983

WIZARD OF THE COURTROOM:

HARRY LIPSIG

By Evelyn Smith

HARRY LIPSIG, premier negligence lawyer, feels that "no case is hopeless..." Indeed, during his 55 years as a practicing attorney he has lost only four cases that his firm has tried. He is responsible for helping his clients collect over \$500 million dollars in awards, and last year alone his firm won 12 cases where each was over \$1 million dollars — in fact, \$8 million dollars went to a man who lost his leg in a car accident. Last week-end, I was lucky enough to interview HARRY LIPSIG at his spacious office on 100 Church Street.

LIPSIG, who just turned 81 this month, is senior partner in the law firm of Lipsig, Sullivan, & Liapakis, P.C. which boasts three ex-prosecutors, and where the average age of his partners, is twenty-nine. He has a reputation as a fearless courtroom tactician, who is one of the most colorful figures practicing law today. The *New York Times* has stated: "...there are two types of defense lawyers: those who have lost to Harry Lipsig and those who have never faced him."

While Lipsig's firm mainly concentrates on negligence claims, they also handle estate litigation, international cases, product liability, and medical malpractice. Never a favorite with doctors, Lipsig helped to raise their insurance premiums by convincing the New York Court of Appeals to change the running of the Statute of Limitations from the time a physician negligently left a clamp in his client's stomach to the time when the error was discovered.

He has the distinction of being the only lawyer every to try and to win a case in the United Nations. He has represented John Jacob Astor in a will contest against his brother, Yul Brynner in a suit against Trader Vic's for trichinosis; and families of firemen killed in a building collapse — each settlement in the 6 figure category. In a three year span he has sued the City 241 times, yet LIPSIG has helped tutor opposing city lawyers in his specialty because "...we feel we should share our expertise so that the city will be more successful in defending lawsuits brought against it." Currently, he is representing Robert Violante, who was permanently blinded by David "Son of Sam" Berkowitz. Lipsig has interviewed Berkowitz at Attica State Prison, where Lipsig has gotten "Son of Sam" to admit he is a member of a cult, and at every crime he committed — two, three, or four cult members were present.

When first meeting Harry Lipsig, one is struck by his tremendous energy and vitality. He still works fourteen hour days, at least six days a week. Moments from various heads of state line his inner office including a samurai sword, a shark fin, an elephant sculpture, a statue of a Burmese woman, and even an ivory tusk. His young associates were uniformly attired (on Saturdays anyway) in blue jeans and cowboy boots, and each approached him with the awe and affection reserved for a man who has become a master of his trade. Even today, Lipsig can still startle his colleagues with

his phenomenal memory, a skill that impresses both clients and jurors. He scrupulously prepares every case, and insists "Detail and thorough preparation are what win cases, all the brilliance in the world can't compensate for the preparation which anticipates every question."

When I asked him why law? He replied: "I considered medicine, but I didn't want to mess around with other people's bodies, I considered accounting, but decided it was dry and insulated. I thought of being an engineer, but they're a bunch of squareheads. But I wanted to help people, and there was law." While attending Brooklyn School of Law in the evening, he earned his tuition as a law clerk and a bank teller, and studied on the subway. After graduation in 1926 he began his own law practice because "I knew I couldn't work for anybody. I visited every lawyer I knew and asked them for cases they could not handle. I turned to negligence because the tragedy ridden always had my sympathy. I couldn't bring back their health, but at least I could get them money for their pain and suffering." And, "I've always believed I've been on the side of the angels representing the injured. To me, the suffering human is bathed in the holy light." He began his career by winning his first twenty cases.

Lipsig's office is known as the port-of-call for the unusual case. A perfect example being the time Lipsig was recommended by another lawyer (who was unable to put together a case) for a tourist torn apart by a shark in the waters of Alcapulco. In his

(Continued on Page 7)

In Remembrance: James P. Kibbey

by David Katz & Linda Goldman

On January 7, 1983, only a few days before the start of the spring semester, New York Law School suffered a tremendous loss upon the untimely death of Professor James P. Kibbey. Professor Kibbey passed away after a long illness during part of which he was hospitalized at Memorial Hospital.

Professor Kibbey was known to both faculty and students as exceptional in the field of Commercial Law, and in fact, in 1978 he received his LL.M. from Yale University in commercial Law. While there, he studied under the late professor Grant Gilmore, one of the draftsmen of the Uniform Commercial Code. Professor Kibbey's proficiency and expertise in this area of law was described by one of his colleagues as "...something of an inspiration..." and his passing away as a "true tragedy to the entire faculty."

Professor Kibbey, an associate professor of law at New York Law School, had quite impressive credentials. He received his Associate Bachelor's Degree from Albion College in 1970 and his J.D. from Gonzaga University School of Law in 1976. While in law school, he was the Articles Editor for their Law Review. As previously mentioned he received his LL.M. from Yale University in 1978. During the period from 1974-1976 he served as a legal intern for the Office of the U.S. Attorney for the Eastern District of Washington. And prior to joining our faculty, he taught at the University of San Fernando Valley College of Law.

When Dean Margaret S. Bearn was asked how well Professor Kibbey got along with the administration, she responded, "very well, very supportive faculty member in terms of committee assignments. He was



very well-liked by the faculty." And as an indicia of how highly respected and esteemed he was as a person and as an educator, he was listed in the registration materials for the spring semester as professor for the course in sales, despite his illness, because, according to Dean Bearn, the administration was "hopeful."

Professor David Minars is currently teaching the course in Sales as he did the course in Commercial Transactions this past semester. There is, of course, no one in line to replace Professor Kibbey, nor can there be, though the Law School is presently in the process of hiring additional faculty.

On Friday, January 21st, some members of the faculty will be meeting to make final arrangements with respect to a Memorial Service. According to Dean Bearn however, the service is "tentatively scheduled for midday, Friday, February 18th 1983, at the Law School, probably in the Froessel Library." Speakers will include relatives, professional colleagues and friends, of which there are many.

CLASS OF '85 RATES THEIR FIRST SEMESTER AT NYLS

by Nitza Bravo

The main purpose of this student poll was to discover whether most first year students had a positive experience while attending New York Law School during the first semester.

One hundred students in Day sections A, B, C, and D answered six questions. The majority of students chose to remain anonymous. Equitas appreciates their prompt attention and thanks the students for taking time out of their busy schedules to respond. One hundred students were polled, of which fifty were male and fifty were female.

The first question: What do you think of your first semester now that you are starting your second semester? The aggregate response, was that over 88% of the participants thought the first semester was good or better. (See table #1). Male and female responses to this question were

very similar. Representative of student comments are as follows: An anonymous section A, male student writes, after rating the program excellent, that the professors pushed students to gain more valuable knowledge in less time. He thinks this will probably prove beneficial in the long run and was particularly pleased with the opportunity to choose an elective course during the second semester. Wayne Gordon, a section C student and graduate of John Jay College of Criminal Justice, also thought the program was excellent, as did Paul Frieman, an Indiana University graduate and section B student. Cristina Sobrowski, a section B student and graduate of Fordham University, thought her first semester experience was excellent too. Linda Stein, a section C student and graduate of the University of California at

Santa Barbara, and who also has her M.A. in theatre and cinema thought the first year program was excellent. She has high expectations at the onset of this second semester. In addition, Ms. Stein observed that the faculty performed in a thoughtful and informed manner.

The following students rated the first semester program as either very good or good. Gary Stein, a section A student and graduate of Rutgers College and M.S.W., thought the program was a good one. Adrian Calderone, a section B student and graduate of Manhattan College, thought the program was very good. Andrew Pitter, a section C student and graduate of SUNY at Albany, thought the first semester program was also very good. He qualified this

(Continued on Page 2)



The Paper Chase

NYLS Students

(Continued from Page 1)

rating by noting that there should have been more emphasis on developing a professional manner while participating in classroom discussion. He pointed out that only a few professors made reference to classroom presentation. Mr. Ritter further commented that constructive criticism was offered by professors.

Three Section B students, Oscar Michelen, a graduate of SUNY at Buffalo, Debbie Schweitzer, a University of California at Berkeley graduate, and a student who preferred to remain anonymous, rated the first semester program as fair. The anonymous section B student added that students are expected to respond in class as if already employed in a law firm. He stated that the law has so many shades of gray which have to be learned and understood, that even answering a seemingly straightforward question can become a tortuous endeavor, which might lead to unfair scrutiny. This anonymous male respondent also thought that time to answer exam questions was severely limited, and that the time allotted did not permit him to discuss the issues more thoroughly.

The first year students polled are generally in agreement that New York Law School offers a first year program comparable to what they had hoped for, or in fact exceeded their expectations. This article does not attempt to portray any rigorous statistical analysis, therefore it is difficult to extrapolate conclusive information from the poll. However there are several casual observations which are found among the first year class and which will be discussed.

The second question related to the degree first year students felt their first set of law school exams permitted them to demonstrate their knowledge and analytical skills. After all, one of the purposes for an examination is to demonstrate an ability to perform in that subject area on at least two levels. Students must demonstrate their mastery of the material and they must also demonstrate an ability to "think like a lawyer." Certainly this is what is taught to first year aspirants of the law. Table #2 shows that in most courses the students polled thought they were able to demonstrate their knowledge and analytical skills. For example, 87% of all students polled thought the contracts

TABLE ONE
What do you think of your first semester now that you are starting your second semester?

| Gender | Rating (Percent) | | | | Total |
|---------|------------------|----|----|----|-------|
| | E | VG | G | F | |
| Male | 3 | 22 | 18 | 7 | 50 |
| Female | 3 | 23 | 19 | 5 | 50 |
| Legend: | 6 | 45 | 37 | 12 | 100 |
| E- | Excellent | | | | |
| VG- | Very good | | | | |
| G- | Good | | | | |
| F- | Fair | | | | |

TABLE TWO
The following exams permitted you to demonstrate your knowledge and analytical skills:

| Gender Answer | Examination (Percent) | | | |
|------------------------|-----------------------|-----------|--------------|-----------------|
| | Torts | Contracts | Legal Method | Civil Procedure |
| Male True | 38* | 41* | 33 | 33* |
| Male False | 12 | 9 | 17 | 17 |
| Female True | 29* | 46* | 33 | 42* |
| Female False | 21 | 4 | 17 | 8 |
| Grand Total Per Column | 100 | 100 | 100 | 100 |

* N.B.

exam allowed them to express their knowledge of contracts and demonstrate their analytical skills effectively. It is interesting to note that while 38% of the male respondents thought the Torts exam allowed them to express their knowledge of Torts law, only 29% of the female respondents thought this was so. The inverse situation was found in Civil Procedure. There, 42% of the female respondents thought the Civil Procedure exam permitted them to demonstrate their knowledge and analytical skills as compared to 33% of the male students polled.

Indicative of the random sample is Suzanne Levit, a section C student and graduate of Barnard College, Columbia University. After rating the first semester program as very good, she felt that her exams permitted her to demonstrate the knowledge and analytical skills she had attained. Only in her legal method exam did she feel that it was unreasonable since the subject area tested was not thoroughly discussed. An anonymous section A student, while rating the program as very good, complained about the torts

examination. She thought that an exam should reasonably test a student's knowledge of what was taught, discussed, and emphasized in class. She felt that the torts exam unfairly tested products liability, a subject on which students spent less than one-eighth of their time.

The first year students polled are generally in agreement that the contracts exam allowed them to demonstrate their knowledge and analytical skills. More female than male participants thought the civil procedure exam permitted them to perform well, while more male than female students polled thought they performed favorably on their torts exam.

The third question asked if any degree beyond the undergraduate level had been attained and if so, which one? The poll indicated, as illustrated in Table #3, that few students have earned graduate degrees. This however is not indicative of the academic qualifications of the first year students. Certainly as admission to law school becomes even more competitive, the quality of entering students improves. New York Law School

Table Three
Have you already received a degree beyond an AB? If so which one?

| Gender | Has a Degree | Type of Degree (Percent) | | | | |
|------------------------|--------------|--------------------------|-----|------|-----|-----|
| | | MA | MS | MChe | MSW | MFA |
| Male | yes | 3 | 0 | 1 | 1 | 0 |
| | no | 47 | 50 | 49 | 49 | 50 |
| Female | yes | 3 | 1 | 0 | 0 | 1 |
| | no | 47 | 49 | 50 | 50 | 49 |
| Grand Total Per Column | | 100 | 100 | 100 | 100 | 100 |

Table Four
How old are you?

| Gender | Age (Percent) | | | |
|--------|---------------|-------|-------|----------|
| | Over 30 | 30-25 | 24-20 | Under 20 |
| Male | 4 | 13 | 33 | 0 |
| Female | 6 | 9 | 35 | 0 |
| Total | 10 | 22 | 68 | 0 |

Table Five
What undergraduate institution did you attend?

| Gender | Geographical Location | | | Percent horizontal |
|--------|-----------------------|------------------------|-----------|--------------------|
| | Within Tri-State Area | Outside Tri-State Area | No Answer | |
| Male | 25 | 21 | 4 | 50 |
| Female | 30 | 18 | 2 | 50 |

Grand Total: 100

can proudly boast that this year's first year class has a higher grade point average and higher LSAT score than those of previous graduates. This trend will continue. It should be noted that 68% of the students polled are between the ages of 20 and 24. Thus, for the vast majority, this is their first opportunity to acquire a graduate degree. (See: Table #3).

Another interesting finding of the recent Equitas poll is that of the one hundred surveyed 85% attended undergraduate schools in the tri-state area of New York, New Jersey and Connecticut. Some of the students from outside the tri-state area are from such schools as the Univer-

sity of Hawaii, University of California at Santa Barbara, the University of Florida. (See: Table #5).

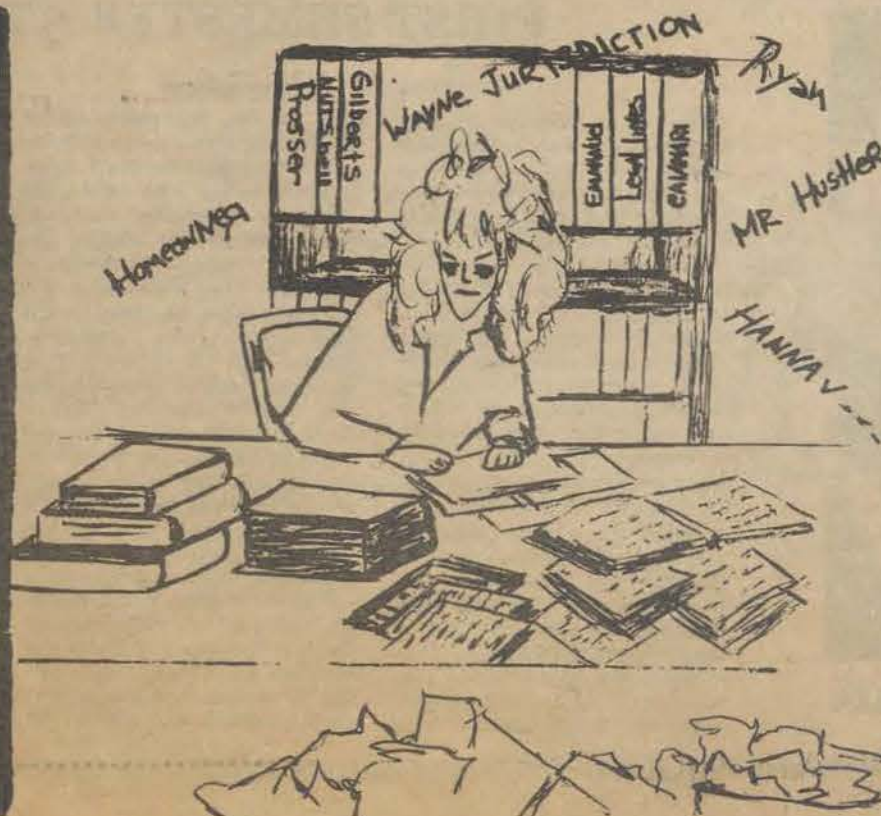
In conclusion, half of all students are satisfied with their performance on their first set of exams. Most students are in their early twenties and have no other degree beyond the undergraduate level. Over three-quarters of those polled attended college in the Tri-state area.

Equitas is happy to report that most first year students polled had a positive experience while attending New York Law School during their first semester. We wish them their continued success.

Stage 1:
Orientation

Stage 2:
Mid-Semester

Stage 3: After
Torts Exam





Acute Cafe

110 West Broadway New York 349-5566

Hours: Lunch, 11:30 a.m. to 3:00 p.m.
Dinner, 6:00 p.m. to 12:00 a.m.
Late Supper, 12:00 a.m. to 3:00 a.m.
Mon. thru Sat.

Brunch: 11:30 a.m. to 3:00 p.m.
Sunday

Patisserie Hours: 8:00 a.m. to 10:00 p.m.
7 Days a Week

A.E., VISA, M.C.

NEW YORK CROSSOVERS

If a corporation enters into a contract to purchase real property and then brings an action for specific performance, must you discuss the law of corporations, contracts, real property, civil procedure and equity? How do you determine the real thrust of the question? What are the examiners really looking for?

This is a critical issue spotting problem which is endemic to the New York Bar Examination which treats the law as one integrated body of principles or rules.

New York essay questions often integrate several independent areas of law into one complex problem. This method allows the Bar Examiners to test an applicant on a great many of the 30 testable subject areas in only six essay questions.

Very few law students develop these practical issue recognition and analysis techniques during their academic training.

That is why almost 20 hours are devoted to problem integration and analysis during the Marino-Josephson/BRC course. No other course offers enrollees such extensive preparation in handling the New York exam's multisubject essay questions.

CONCERNED ABOUT NEW YORK CPLR?

For those students who want to learn New York CPLR before the summer bar review, the Marino-Josephson/BRC course will present this spring, free to BRC enrollees, a **Forge Ahead** lecture series on New York practice by Professor Arthur R. Miller of Harvard Law School.

Recognized as one of the finest teachers in the nation, Professor Miller combines wit and clarity of expression with total intellectual command of his topics. Co-author of the prestigious treatise Wright and Miller, **Federal Rules**, a widely adopted civil procedure casebook and the **Sum and Substance of Civil Procedure**, he is also a former editor of the Harvard Law Review and a present member of the American Law Institute. In addition, Professor Miller is regularly asked by the Federal Judicial Center to address Judicial Conferences across the nation.



Marino-Josephson/BRC

71 Broadway, 17th Fl., New York, N.Y. 10006
(212) 344-6180 • (212) 344-6181

KAREN SILKWOOD - Question For The Supreme Court

by Rick Marchese

More than eight years after her death in an Oklahoma car crash, Karen Gay Silkwood continues to make headlines in newspapers across the country. On January 10 the Supreme Court granted certiorari in the case of *Silkwood v. Kerr-McGee* (No. 81-2159), thus agreeing to review a lower court ruling which overturned an Oklahoma jury's verdict awarding \$10 million in punitive damages to the estate of Miss Silkwood. The estate filed suit against the Kerr-McGee Corporation in 1979, alleging that Miss Silkwood became contaminated with plutonium shortly before her death while employed by Kerr-McGee's nuclear facility in Cimmaron, Oklahoma. The circumstances surrounding her contamination and her death remain a mystery to this day.

Miss Silkwood worked as a laboratory analyst at the Cimmaron nuclear facility from September 1972 until her death on November 13, 1974. The Cimmaron plant manufactured plutonium fuel rods for use in an experimental breeder reactor under construction at the time in the state of Washington.

While employed at Cimmaron, Miss Silkwood became an active member of the Oil, Chemical and Atomic Workers' Union (OCAW), which represented many of the employees at the plant. In September 1974 she and other union members travelled to Washington, D.C. to discuss possible health and safety violations at the Cimmaron plant with the now defunct Atomic Energy Commission (AEC). Miss Silkwood told the commission that Kerr-McGee was endangering the lives of Cimmaron employees by ignoring many safety rules and regulations dealing with the proper handling and disposal of plutonium. The AEC refused to take action, however, without accurate documentation of her charges, so Miss Silkwood went back to Cimmaron to gather evidence to substantiate her allegations. She spent the last few weeks before her death collecting and documenting information on Kerr-McGee's operation of the Cimmaron facility. In that time she also met with OCAW officials and told them that Kerr-McGee was manufacturing faulty fuel rods and falsifying the inspection documents on them.

On November 13, 1974 Karen Silkwood died in a car crash while driving to Oklahoma City for a meeting with an OCAW official and New York Times reporter David Birnbaum. Her car had skidded off a highway and crashed into a roadside culvert. OCAW officials immediately called for a state probe into the circumstances of the crash. A private investigator hired by OCAW stated publicly that he believed Miss Silkwood's car had been hit from behind by another vehicle, pointing out a dent found in the rear bumper of her car as proof of his claim. The Oklahoma Highway Patrol disagreed, however, and ruled Miss Silkwood's death "accidental," explaining that the dent was caused by towing the car out from the culvert. A later F.B.I. inquiry found no evidence to suggest that her death was other than accidental.

The public's curiosity heightened in January, 1975 when the AEC issued a report stating that Miss Silkwood had ingested a minute quantity of plutonium on November 7, 1974, just one week before her death. Further investigation revealed that she had contaminated herself with plutonium on three separate occasions during that week and that her apartment was also contaminated. Close friends of Miss Silkwood said that she knew about her contamination, and that she feared she had exposed herself to a lethal dose of radiation poisoning.

In early 1979 Miss Silkwood's estate filed an \$12.5 million lawsuit against the Kerr-McGee Corporation for damages sustained as a result of the personal injuries (primarily fear and anxiety) she suffered in that time before her death when she learned of the radiation exposure. The complaint alleged that Miss Silkwood experienced fits of hysteria and approached a nervous breakdown fearing a slow death from cancer. She became contaminated, alleged the plaintiff, because of Kerr-McGee's negligence in allowing plutonium to escape from the confines of the Cimmaron facility.

The ensuing trial crackled with emotional intensity, pitting famed trial lawyer Gerry Spence of Jackson Hole, Wyoming against attorneys from both Kerr-McGee and the nuclear power industry. In his opening statement, the lead counsel for the defendant cautioned the jury that Mr. Spence was skilled in the art of "invading the vaults" of large corporations and "denuding them" of their money. Later on in the trial he accused Mr. Spence of trying to in-

(Continued on Page 6)

"Quitting is a snap."

"I'm gonna help you break the cigarette habit with my 'Larry Hagman Special Stop Smokin' Wrist Snappin' Red Rubber Band'. Get one free from your American Cancer Society."

AMERICAN
CANCER
SOCIETY



UPDATE - UPDATE - UPDATE

In the last issue of *Equitas*, we reported that Mercury Morris, former standout running back on three Miami Dolphins' Super Bowl teams, was to be sentenced to prison on cocaine conviction.

Last week, Morris, 35, was sentenced to 20 years in prison, of which he must serve a minimum of 15 years before becoming eligible for parole.

EQUITAS

New York Law School

Winner 1979, 1980 & 1981 First Place—1978 Medalist Awards
Columbia Scholastic Press Association

Editor-in-Chief
Michael S. Greifinger

Senior Editor
Rick Marchese

Production Editor
Michael Marinangeli

Copy Editors
David Katz
David Melo

Foreign
Correspondent
Bonnie Frank

News Editor
Leonard Fasano

Business Manager
Justin Levine

Alumni Editor
Miguel Fittipaldi

Features Editor
Wendy Berman

Literary Editor
Carol Novack

Associate Editor
Evelyn Smith
Nitza Bravo

Editor Emeritus
Dee Ann Delgado

Staff: Saul Asnis, Ingrid Castro, Scott Conchar, Glenda Callender, Linda Goldman, John Morris, Regina Regan, Lori Spiegel

Photographer: Glenda Callender

Artist: Ingrid Castro

Faculty Advisor: Professor Nelson Seitel

EQUITAS is printed monthly during the school year by and for the students, faculty and alumni of New York Law School. Signed articles represent the views of the authors. Unsigned articles represent the views of the editorial board. Although EQUITAS strives to have a policy of responsible advertising we do not vouch for the accuracy of our advertisements. Letters and other correspondence should be addressed to: The Editor EQUITAS, 57 Worth Street, New York, N.Y. 10013. EQUITAS reserves the right to edit letters to the editor for space requirements. Entire contents © 1983 by EQUITAS. All rights reserved. For reprint permission write to the editor at the above address.

Letters To The Editor

Mr. Michael Greifinger
Editor-in-Chief, EQUITAS
New York Law School
57 Worth Street
New York, New York 10013

Dear Michael:

All American Bar Association approved law schools are re-inspected on a regular basis, approximately every seven years, to ensure they are continuing to meet all accreditation standards.

Mainly for educational reasons, New York Law School has long had the practice of inviting outstanding members of the bar and bench to serve as Adjunct Professors of Law. Our location and the willingness of highly successful lawyers and jurists to devote themselves to legal education, has greatly enhanced the quality of our faculty and the curriculum here at New York Law School. A number of other leading urban law schools in the United States also follow this practice and its value is recognized by many prominent legal educators throughout the country.

However, one of the newer accreditation guidelines applicable to all approved law schools is that a full-time faculty/student ratio of 30:1 be maintained. This is the sole ABA accreditation guideline to which the ABA has called our attention in view of the forthcoming re-inspection. Our Faculty and Faculty Appointments Committee has been seeking to establish that ratio for the past year. I fully anticipate that we will more than fulfill this guideline by the time of the ABA accreditation visit. Not only that, but our faculty will continue to be of outstanding quality.

New York Law School was provisionally approved by the ABA in 1954 and fully approved in 1964. Our last re-inspection was during the 1975-76 academic year. Since that time, we have made great strides in the quality of our students, faculty and curriculum, the development of our Library, the inauguration of our Alumni and Development Office and our Placement Office. In addition, our physical plant has been fully renovated and expanded to three buildings. Architectural planning for further expansion has been undertaken and the acquisition of additional property to prepare for future construction has been achieved. All our options are being carefully studied so that we may go forward in the best manner possible at the appropriate time.

It is my own strong feeling that our law students can be confident that the Trustees, Administration and Faculty of New York Law School will be working together to ensure that New York Law School will continue to be fully approved by the ABA and all its other accreditation agencies.

Our students are to be congratulated on their outstanding academic achievements, the success they have had in their Moot Court and other academic activities, the many fine legal journals and other publications that are issued, and their overall participation here at New York Law School.

Our Alumni have been extremely supportive and devoted to our Alma Mater. Since our last inspection, we established

our first chair—The Joseph Solomon Professorship in Law through a donation of one million dollars by Dr. Joseph Solomon. A substantial amount of money has been raised for the New York Law School Heritage Fund, our Building Campaign, Alumni Scholarships, special awards and lecture series. In addition, our Alumni have been very generous with both their time and talents in the legal educational activities of our Law School and in countless other ways which have benefited our students.

After having spent the last ten years as Dean and having now tendered my resignation, I can only express my great pride at the progress the Law School has made with the help of so many deeply concerned in our quality of legal education, as well as the development of fitting physical facilities for our students and faculty. Although we are all faced with difficult economic conditions, the Law School has a sound financial base on which to continue to meet its goals.

A conscientious search is being made for a new Dean by our Trustees and Faculty Decanal Search Committee. There is every reason to anticipate that the transition will be a smooth one, and that New York Law School will continue to make great strides as an ABA fully-approved law school.

To quote our motto: "What's past is Prologue, what's to come is yours."

Cordially yours,
E. Donald Shapiro
Dean

Editorial

SBA Elections

The annual Student Bar Association elections are to be held February 15th and 16th in the Student lounge. This is an important election because NYLS students will not only elect new officers for the SBA, but they will also have the chance to ratify the SBA constitution.

One of the proposals that will be on the ballot is for the creation of a student fee fund. The plan, drawn up by ANSBA committee headed by Drew Britcher, tentatively calls for a student fee of \$3.00 per term for full-time day students and \$2.50

per term for part time and evening students. If approved it would become effective with the Fall term of 1983-84 academic year. We strongly support this proposal. It would provide much needed revenue for the many student organizations at NYLS. Since neither the SBA nor the student organizations presently receive any direct funding from the students at NYLS, we feel that this fee is but a small contribution for students to make money in order to improve the quality of life at NYLS.

There are changes which need to be implemented at NYLS for it to continue to service its student population effectively. Although a minor issue in the scheme of over education, there is a pressing need to expand the 375 lockers which service nearly 1400 students. When students are forced to triple up in already cramped spaces it must be indicative of a severe shortage and a source of unreasonable discomfort for so many in our community. The administration to resolve this situation should purchase lockers and possibly increase the rental fee, but in turn should guarantee an individual the sole and exclusive use of a locker for the entire semester. In a commuter school a student locker is a valuable leasehold. The administration should accommodate the students in this minor issue.

Support B.A.L.L.S.A.'s Draft Resolution

B.A.L.L.S.A. is sponsoring a resolution to have the Academic Scheduling Committee of NYLS adopt January 15th, Martin Luther King, Jr.'s birthdate, as a school holiday. We strongly support this resolution. January 15th is recognized by the overwhelming majority of NYLS's neighboring communities public and private schools as a holiday. In addition, the City of New York recognizes Martin Luther King, Jr.'s birthday as a municipal holiday. We believe that the school, in recognition of Dr. King's achievements in the cause of civil rights and humanitarianism and in commemoration of his great sacrifice and ideas, should adopt his birthday as a school holiday.



Professor Nelson Seitel

Equitas is pleased to announce that Professor Nelson Seitel has agreed to become faculty advisor to our newspaper. Professor Seitel brings his valuable experience and qualifications to this post. He is currently the Associate Publisher of the New York Law Journal. Prof. Seitel received his L.L.B. from Columbia Law School. He was formally Commissioner of the New York City Department of Labor; Chairman of the NYC Mental Health Board; and Counsel to many legislative committees. We welcome him to our organization.

A victor need give no explanations. The majority do not look closely into circumstantial detail but only at a successful, or unsuccessful outcome; thus one's reputation never suffers if one's object is attained.

—Baltasar Gracian, "The Oracle" (1647)

Phi Delta Phi: Enters 1983 With New Ambitions

The Dwight Inn of the International Legal Fraternity, Phi Delta Phi, opened the Spring 1983 Semester with a promise to make 1983 a banner year, especially in terms of providing valuable service to the legal community.

Dwight Inn recognizes the varied needs of the growing student body, especially first year students. Some plans to meet these needs include an outline availability program, an alumni contact system, career seminars, advice of senior PDP members to new initiates, a survival seminar, and a new award to an outstanding N.Y.L.S. Alumnus.

Members can also be assured of making full use of PDP's professional - social orientation that is ideally suited to improving the environment and life of the law student.

All members of the N.Y.L.S. student body are encouraged to

join PDP, and become part of a heritage that includes many prominent attorneys, judges, and most of the members of the United States Supreme Court.

Phi Delta Phi will soon announce its semester rush party, and National Officers will be on hand to speak to all interested persons. Meetings are held in N.Y.L.S. and all are invited to come and observe the function of N.Y.L.S.'s oldest and most established service organization.

All interested persons should leave a message in the mailbox of PDP at the Copycent in the basement of 57 Worth, or contact:

Eugene P. Maguire
Michael Greifinger
Drew Britcher
Lynn Weinburg
Simon Kogan
Seamus Boyle

New Frat Stirs Enthusiasm

Randall Bluth

Starting this semester NYLS has a new fraternity amidst its other groups and clubs. The Fraternity, Phi Alpha Delta, has been reactivated after approximately six years of inactivity.

The news of Phi Alpha Delta's re-emergence does not seem unusual. However, the manner in which P.A.D. has been reactivated has caused a great deal of excitement for all of the students involved in the project. Organized by a handful of freshmen, P.A.D. has managed to meet the minimum requirements for reactivation, (10 members and recognition from Dean Byrne) while in fact expanding its membership to a projected thirty to forty members in just a matter of weeks. The extensive and rapid development has come as a pleasant surprise to both school officials as well as the National officers of P.A.D.

Why the need for another legal fraternity at NYLS? It was felt by the "core members" of P.A.D. that there was a desire among the students to have a fresh new organization which they could associate themselves with, while having a real input in the group development. Starting their own fraternity appeared to be a more favorable option than joining a previously established one.

However, there is still great skepticism as to the probable success freshmen would attain with such a project. As recent as last year, an attempt was made to reactivate P.A.D. which fell short. However, the enthusiasm of the newly elected officials of P.A.D. has apparently spread throughout the student body as P.A.D.'s membership continues to expand every day.

One of the reasons for the tremendous response P.A.D. has received is its projected program for this semester. This includes probable speakers from the Attorney General's office, the Nassau County District attorney's office, an attorney from a Wall Street firm, as well as several others. The program is topped off with P.A.D.'s March 18th trip to Washington D.C. for a tour of the United States Supreme Court.

Another exciting project P.A.D. plans to implement is enrollment in its nationwide Juvenile Justice Program, a project designed to offer law-related programs, to young people in various communities across the country. This program has been commended by Chief Justice Burger, a member of P.A.D.

Phi Alpha Delta encourages men and women from all classes

to join prior to the fraternity's formal initiation ceremony to be held January 28th at 6:00 p.m. All interested are urged to speak with Randall Bluth, Chapter Justice, as well as any of the additional chapter officers. In addition P.A.D. urges anyone interested to attend one of its meetings.

If this semester is any indication of future enthusiasm and involvement, it would appear that Phi Alpha Delta will be around long after all of us have moved on.



1983 SUMMER SESSIONS THE UNIVERSITY OF BRIDGEPORT SCHOOL OF LAW

SUMMER SESSION I

Classroom Courses begin May 23
Clinical Courses begin May 31
Classroom Courses end June 30
Final Examinations July 2, 5, 7
Clinical Courses end July 22

COURSES

Administrative Law
Business Organizations
Civil Clinic
English Legal History
Family Law
Federal Income Tax
Independent Research
International Law
Judicial Clerkship
Labor Law
Land Use Planning
Law, Language and Ethics
Municipal Law
Products Liability
Real Estate Transactions
Securities Regulation
Tax Clinic

SUMMER SESSION II

Classroom Courses begin July 11
Classroom Courses end August 18
Final Examinations August 20, 22, 24

COURSES

Computers and the Law
Environmental Law
Evidence
Federal Courts
Health Law
Independent Research
Judicial Clerkship
Juvenile Law
Legal Ethics
Real Estate Transactions
Sports Law
Uniform Commercial Code

The School of Law is located on Long Island Sound in Southwestern Connecticut approximately ninety minutes from New York City and thirty minutes from New Haven

For Summer Session Catalog write to:
Summer Session Registration
University of Bridgeport School of Law
303 University Avenue
Bridgeport, Connecticut 06601

SINCE 1921

PHILIPSON PRESS INC.

52 WARREN STREET, N.Y.C.

(Ground Floor Between Church and West Broadway)

BUSINESS CARDS
LETTERHEADS
RESUMES

OFFSET PRINTING
APPEAL PRINTING
COPIES

While You Wait Or Same
Day Service on Most Orders

Call Mr. Philipson
962-3617



Galway Bay Bar

Party in "D" Building

**Hot plates and sandwiches
10 a.m. to 3 p.m.**



**Good Food ☐ Good Drinks
Good Times at the Right Price
Up Stairs Room for Private Parties**

179 West Broadway

226-5371

(Continued from Page 3)

Gil's

The Official Bookstore of NYLS

- ★ CASEBOOKS ★ LAW CASSETTES
- ★ TEXTBOOKS ★ RESTATEMENTS
- ★ DICTIONARIES ★ REVIEW BOOKS
- ★ AND ALL OTHER SCHOOL NEEDS

★★★ NOW AVAILABLE ★★★

NYLS T-SHIRTS & PROFESSIONALLY DESIGNED & TYPESET RESUMES

**SPECIAL NOTE: THE STUDENT BAR
ASSOCIATION OF NYLS RECEIVES A
PERCENTAGE OF GIL'S BUSINESS**

**COME IN, SIT DOWN, RELAX IN
THE BASEMENT
OF 47 WORTH STREET**

M, J & K COMPANY - 57 Worth Street

JIN SEAFOOD

136 West Broadway



SHRIMP, SCALLOPS, WHITING, SOLE

served fresh daily
at
very reasonable prices

OPEN: Monday - Thursday 10:30 a.m. to 6:00 p.m.
Friday 10:00 a.m. to 6:30 p.m.
Saturday & Sunday closed

telephone: **349-5375**

Supreme Court

timidate witnesses and the jury with courtroom histrionics designed to arouse sympathy for Miss Silkwood.

During the trial the attorneys representing Kerr-McGee attempted to convince the jury that Miss Silkwood intentionally removed plutonium from Cimmaron after finding that she was unable to document her complaints, arguing that Kerr-McGee had no legal duty to keep plutonium within the confines of their facility. They also tried to admit evidence of Miss Silkwood's sexual involvements, drug use and purported suicide attempts earlier in her life, all of which were excluded by the trial judge.

As the trial wore on it became evident that safety precautions at the Cimmaron facility were somewhat less than ideal. One doctor testified that manuals on the safe handling of plutonium furnished to Cimmaron employees were misleading and contained false information. The jury also heard testimony which indicated that possibly up to forty pounds of plutonium were missing from the plant (enough to expose the entire world's population to the maximum dose of radiation the human body can stand). Barraged throughout the trial with evidence of Kerr-McGee's indifference to virtually non-existent plant security, the jury retired on May 14, 1979 to consider its verdict. After four days of deliberation the jury returned a verdict for the plaintiff, awarding Miss Silkwood's estate \$505,000 in actual damages and \$10 million in punitive damages. The jury disregarded the arguments of defense counsel and held Kerr-McGee to a standard of strict liability for allowing plutonium to escape its facility and contaminate Miss Silkwood. They awarded punitive damages under the trial judge's instructions that Oklahoma law permitted the jury to "give damages for the sake of example and by way of punishment."

Kerr-McGee immediately appealed the verdict to the Federal District Court for the Western District of Oklahoma, vehemently arguing that the evidence did not justify such a large award of punitive damages. The court, in *Silkwood v. Kerr-McGee*, 484 F.Supp.566(1979) upheld the verdict, stating: "Plaintiff's evidence established substantial, credible evidence of poor training, poor security, workers who knew of a variety of ways to remove large amounts of plutonium from the facility without detection, workers indifferent to the hazards of plutonium, and much more, all of which tended to establish the propriety of a punitive award."

The \$10 million punitive award was overturned, however, by the United States Court of Appeals for the 10th Circuit in *Silkwood v. Kerr-McGee*, 667F.2d908(1981). The court held that the Atomic Energy Act of 1954 preempted any state regulation of radiation hazards associated with plants handling nuclear materials. In enacting the Atomic Energy Act, Congress, explained the court, intended to assert exclusive federal control over any and all radiation hazards connected with the development of nuclear energy, noting that "the nuclear industry was initially developed by the federal government, is closely linked with national security, and is extensively regulated by a federal agency." Wrote the court: "A judicial award of exemplary damages under state law as punishment for bad practices or to deter future practices involving exposure to radiation is no less intrusive than direct legislative acts of the state. Thus we hold punitive damages may not be awarded in this case."

The question of federal preemption in the *Silkwood* case now passes on to the Supreme Court. The issue boils down to this: whether a state court's jury in-

RES IPSA LOQUITUR

The Pieper New York State - Multistate Bar Review offers an integrated approach to the New York Bar Exam. We emphasize sophisticated memory techniques, essay writing skills and a concise, organized presentation of the law. You will be prepared and confident.

PIEPER NEW YORK-MULTISTATE BAR REVIEW
It Speaks For Itself.

REPRESENTATIVES

Sophia Toscano
Iris Altchek
Robin Jasper

1517 Franklin Avenue
Mineola, New York, 11501
(516) 747-4311

Limited Enrollment.

Early Registration Discount to Dec. 1, 1982

struction allowing the jury to award punitive damages against the owner/operator of a nuclear facility equates to state regulation of radiation hazards associated with plants handling nuclear material? If so, are all state courts prohibited from allowing an award of punitive damages against a nuclear facility owner/operator who acts irresponsibly? In 1972 the Supreme Court affirmed an 8th Circuit Court of Appeals decision which held that the Atomic Energy Act preempted the State of Minnesota from imposing state licensing requirements to regulate radiation emissions from nuclear power plants in

that state. *Northern States Power Co. v. Minnesota*, 447F.2d 1143, aff'd mem. 405 U.S.1035(1972). Kerr-McGee is now asking the Supreme Court to extend the holding of *Northern States* to preempt any punitive damage award by a state court which punishes and deters irresponsible behavior in the nuclear power industry. If the Supreme Court so acts, state judges may find their courthouse doors locked to plaintiffs like the estate of Miss Silkwood, who seek to penalize corporations like Kerr-McGee and discourage others from acting in the same careless manner.

magoo's



Cozy Atmosphere - Fine Wines
Delicious Foods - Reasonable Prices - Good Vibes

21 6th Avenue
(Off Walker Street) 4 blocks from NYLS

226-9919

OPEN: Mon. - Fri. Noon - 3 A.M.
Sat. - 5 P.M. - 3 A.M.
Sun. Brunch - Noon - 4 P.M.

Savannah Liquors, Inc.

L-1374

"Your Downtown Wine and Liquor Outlet
99 West Broadway
(Between Chamber and Reade)

267-7362



Beaujolais Noveua
750 ml. **\$3.99**

German Liebfraumilch
750 ml. **\$2.39**

French Sommeliere
Red & White
\$1.99

4 Liter Burgundy & Chablis
Sangria
\$4.49 Diamond Lake

FREE gift wrapping!
FREE party planning!
FREE delivery!

All solid cases of wine
DISCOUNTED!
Full line of GIFT BOXES



Baskets for all
occasions made
to order.
Featuring a vast
selection of cordials
and liquors

CORDIALS: Anisette, Apricot
creme de Menthe, Creme
de Coco

750 ml. **\$3.99**

CHAMPAGNE-COLD DUCK
PINK CHAMPAGNE
AMERICAN SPUMANTI

750 ml. **\$2.69**

gift packs - pre-wrapped singles

SUPER PARTY PACK

Regal Club Gin\$5.05
Regal Club Vodka\$5.05
RonCisco Dark Rum ..\$6.10
RonCisco Light Rum ..\$6.10

LOWEST PRICES
PERMITTED BY LAW!

Not responsible
for typographical
errors.

Best Service & Selection in World Trade Area.

LIPSIG

(Continued from Page 1)

first-of-a-kind complaint Lipsig charged the hotelkeepers of Alcapulco with a conspiracy of silence on the subject of sharks in local waters. Knowing, in Mexico, suit would be worthless and finding New York convenient, despite a lack of jurisdiction over a Mexican defendant, Lipsig sued and won. Both sides knew that the case could not stand in the New York venue, but Lipsig disturbed the waters of contest and a settlement was had. Shortly thereafter, Lipsig was retained by a Canadian national for a subsequent shark attack in the same ocean locale. Lipsig now charged that the hotel, through his prior suit, had notice; he further contended that the hotel's alleged dumping of garbage in the waters, attracted sharks. Again, despite the venue problem, Lipsig won a settlement for his client. The combined award for those two shark cases was over \$825,000.

Although Lipsig personally does not, despite a staff of forty lawyers, try criminal cases his interest in the unusual coupled with his dislike for injustice and prejudice motivated him to take on the Roy Innis case. Innis, the National Director of Congress of racial Equality (C.O.R.E.), and an associate were charged with assault upon an "admitted" car thief, who was attempting to steal a "C.O.R.E." car. Lipsig was outraged when the apprehenders rather than the thief were charged with violations of the law, he felt "the case had been deliberately stacked and

the police had been deliberately trying to get Innis without proper basis." Lipsig's client was absolved on the first jury ballot, and several days later the *New York Times* reported that the forelady of the jury said: "The prosecutor submitted fabricated testimony."

When asked what criteria he uses to select a case, Lipsig replied: "I consider the possibilities and determine whether the case is serious enough. Does it provoke my sense of justice, my indignation at injustice? I take on cases that on one else will handle, I never shy away from a fight." When the Bronx Women's Bar Association refused to admit him because he made a "tongue-in-cheek remark about a woman's place being in the home" he sued! He filed a sex discrimination complaint in State Supreme Court written in couplets:

"... thankful the times have
changed
And minds of men are less
deranged
Yet here's a sequel sad but true
Of what the matter's coming to

The Bronx Women's Bar you
must atone
For leaving me to stand alone
For when to you I applied
On sexual grounds I was denied

I beseech the court to give
My humble voice support
And grant injunctive remedy
To all good men, but mainly me

Alas, my Portia, you disclose
Your quest for equals is a pose
Your female weakness rears its
head
Where chauvinism should be
dead"

Why would he file such a suit?
Lipsig replied: "It's a touch of
life — a little color. If life can't
be a little bit colorful, who needs
it?"

Lipsig readily admits that "I
had a heart attack in my forties.
My doctor told me to give up the
practice and move to Florida or
I'd be dead in two years. Well, I
didn't. And you know what? He
was dead in five years."

After three and a half hours as
our interview drew to a close,
and as his beautiful secretary
(who is also a model and actress)
prepared him for his next ap-
pointments, I wondered what
plans he had for the future.

Lipsig also ex-
pects to appear on guest shots of
Midday and the Joe Franklin
Show, as well as hosting a
weekly radio show on WOR. Two
years ago, he signed with
William Morris, and there has
been mention of a book or
television series based on his life.
In fact, Lipsig can probably be
seen on re-runs of "That's In-
credible" later this month. He is
even taking up roller skating and
karate.

A lawyer, alone

I'm clever, I'm shrewd;
bent, warped by servitude
in always hurried bids to bill
fulfillments of another's will.
Hired out to think and do:
to cut excessive greed and tor-
ment
playing hands - demands of the
moment
calculating quickly on my feet,
butt
caught in bindings of other
balloonists,
on constant call by apoor
tunists, bound by the biddings
of the big and bitty rich.

hopping

Posture and refuge in extra worn
arid forms,
balladeer and ballast, lies and
lipservice
lifted by tides of time, the tyrant
Webbed in a hot game; 'be
effective' -
pay the price; loss of perspec-
tive;
quick-play reaction time!
glitters but with no freedom to
divine
the divide between out-there and
my-eye
useful mime from what is truly
mine,
what ultimately is, and who
really I am.

Robert Blecker ©

While its often a long way to a special goal it is never very far to
the next step.

Congratulations to the February '83 Graduates!

McGovern's Bar

135 Reade Street (at Hudson)

Lunch served 'till 3pm

Drinks 'till 4am

227-2295

Chrisa's Cafe

Corner of
West Broadway and Chambers

Enjoy generous servings of the finest Greek cuisine
in Tribeca area. Feast on such delights as hommos,
felafel, pastitio and the classic Greek dish, Mousaka.
Within minutes from NYLS.

Hours: 11 am to 10 pm
7 Days

267-5115

New York and Multi-State Courses

BAR/BRI BAR REVIEW

ATTENTION THIRD-YEAR STUDENTS
**DISCOUNT AVAILABLE
FOR LIMITED TIME**

Join the Bar/Bri Superstars

***Visit the friendly Bar/Bri Reps
located in C Building Lounge***

| | |
|--------------------|--------------------|
| Carol Dancy | Sandra Harris |
| Tom Bryant | Maria Paoli |
| Regine Dely | Joan Bocina |
| Hope Douglas | David Newfeld |
| Leonard Fasano | Mitchell Krause |
| Lori Udelson | Hayes Young |
| Jonathan Symer | Lisa Murphy |
| Miguel Fittipaldi | Allen Parker |
| Frank Scagluso | John Petition |
| Charles T. Richard | Stephanie Stricker |
| Betty Konopko | Robert Smith |
| Barbara Rowbow | Tyrone L. Logan |
| Gary Smoke | |



401 7th Ave., Suite 62 • New York, N.Y. 10001

212/594-3696 • 201/623-3363