Federal Program To Begin in June

by Jonah Triebswasser

NYLS is planning a nine week Washington Summer Residency Program in Federal law, beginning on June 6, 1978.

According to the program’s co-ordinators, Dean Margaret Bearn and Prof. Michael Botwin, the residency’s basic purpose is two-fold: first, to give students some practical and academic experience in advanced and esoteric fields; second, to impart an understanding of the legal community’s operations in the nation’s capital.

The program proposes to offer a three-graded educational experience. The three phases will be:

- Advanced Administrative Process and Procedure. Professor Botwin will be responsible for this three-credit course, which will examine the economic, legal, and social dynamics of the administrative process. In addition to its regular sessions, the course will include special receptions with guests from private practice, bureaucracy, and lobbying groups.
- Advanced Seminars. Depending upon its enrollment and its participants’ interests, the Program will offer each participant a choice of between four and six advanced two-credit seminars. The seminars will use distinguished government and private attorneys as adjunct professors.
- Work Experience. Participants will receive two credits for supervised, law-related work — resulting in a substantial paper — in government agencies, “public interest” groups, and other appropriate organizations.

An organizational and general information meeting is planned by Prof. Botwin for some time in mid-November. Full details will be announced in the next issue of EQUITAS.

Building Plan Criticized

by Jonah Triebswasser

Describing the present physical plant of NYLS as “materially and spiritually inadequate,” Dr. Albert Gold of Rockefeller University has completed the first draft of plans for a new law center. The plan, by its own wording, is to be a starting point for consideration of what this school’s needs will be in the coming years.

“I came with a great innocence as to what a law school is,” Gold said, and emphasized in his report, that “It is presented in the spirit of a working document and will have best served its purpose if it becomes a target of intense criticism.”

Upon its release, the paper came in for just such criticism, as students and faculty reviewed its recommendations:

Citing the library as the “working heart” of the law school, the report’s specific recommendations call for a library of 50,000 square feet, 600 reader stations and 250,000 volumes. Occupying five levels, the library would have 40% of the assignable space in the proposed building.

Lockers, Lounge and Lunch

Other major allocations proposed in the report include: 15,000 square feet for classrooms; 10,000 square feet for faculty and administrative offices; 7,000 square feet for a lounge with a seating capacity of 200; 8,000 square feet for a cafeteria with 500 seats.

There also are allocations for a lobby to be used for ceremonies, a faculty lounge, book store, space for clinical programs, and offices for student organizations.

Dean Hosts ABA Porn Debate

by Harry J. Katchris

Chicago — One of the most interesting events that took place at the A.B.A.’s Annual Meeting in Chicago this past August was a panel discussion conducted by Dean E. Donald Shapiro of New York School of Law. The panel was entitled “Obscenity Laws and Freedom of the Press” and was sponsored by the A.B.A.’s Section of Individual Rights and Responsibilities.

A brief run-down of the panelists will give an idea of just how dynamic this session was: Judge Ernest M. Shapiro, M.D., adjunct professor, New York Law School and well known psychiatrist; Prof. Alan Dershowitz, Harvard Law School; Herald Price Fabringer, adjunct professor, New York Law School and general counsel, First Amendment Lawyers Association of America; Hon. Jacob D. Fuchsberg, judge, New York State Court of Appeals; Al Goldstein, publisher, Screw Magazine; Simon L. Leis, Jr. prosecuting attorney, Hamilton County, Ohio; Maurice N. Nessman, adjunct professor, New York Law School; Larry Parrish, Assistant U.S. Attorney, Memphis, Tennessee; Harry Reems, actor; Robert Shea, senior editor, Playboy Forum; Ernest van den Haag, adjunct professor, New York Law School.
Building Report
continued from page 1

Gold states that the parking lot adjacent to 47 Worth Street, which is owned by the school, contains 22,000 square feet of land in an "L" shape.

Rather than use the full space available in the "L" block of land, which could accommodate the entire new school in six of seven floors, Gold recommends that a new building be constructed in a 50'x200' rectangle between Worth Street and Leonard Street, with the remaining property retained as a parking facility.

Gold went on to state that a "hybridized" solution might be adopted whereby the block through site would remain, a multilevel parking garage would be constructed on the southeast corner of Leonard and West Broadway and additional school facilities would be built atop the parking garage.

Gold feels that the parking facility should be included as a possible source of outside revenue for the school.

Floor by Floor Breakdown
Dr. Gold has envisioned the school divided by floors as follows:
- Sub-Basement — Mechanical Plant; Storage; Vaults
- Basement — Cafeteria; Bookstore
- First Floor — Lobby; Lounges; Lockers
- 2nd Floor — Classrooms
- 3rd Floor — Faculty Offices
- 4th Floor — Classrooms
- 5th Floor — Library; General
- 6th Floor — Reports, Records, and Statistics
- 7th Floor — Library Entry/Exit Point; Staff Offices; Departments
- 8th Floor — Library General and Periodicals
- 9th Floor — Library; General

The offices for the various student groups such as EQUITAS and the Law Review have been scattered throughout the building wherever there was "spare" space, according to the report. The library would have a single entrance and exit point for control purposes. There would either be elevators or stairs for students to go between levels.

The administrative offices have been placed on the top floor for what Gold terms "partly traditional and symbolic" reasons and mainly to minimize elevator traffic.

Gold reports that "a 1,500 square foot lobby is provided, not only for milling about on rainy days, but hopefully in the hands of a skilled designer, to present an entrance that reflects the grandeur of the law as an enterprise."

Cost Reaches $8 Million
The bottom line of Gold's proposed law center is a cost of $60 per square foot, of a total of $7.2 million for construction and furnishing of the 120,000 square foot project. The planning and architectural costs will be approximate-ly $400,000 with an equal amount expended in interest costs. The total cutaway of funds would be $8 million.

To help recover this money, Dr. Gold stressed the income producing possibilities of retaining a commercial parking facility, Gold also suggested converting and selling the present 57 and 47 buildings as law offices, with possible library privileges.

Dean Shapiro Comments
In discussing Gold's report with EQUITAS, Dean E. Donald Shapiro reiterated Gold's position that this is only a preliminary report. Shapiro said he would like everyone member of the student body and faculty to read the report in its entirety and to let the Dean know immediately of any comments, suggestions or complaints.

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Shapiro Named to AALS Committee

Dean E. Donald Shapiro has been named chairman of the Committee on Continuing Legal Education, a permanent committee of the association of American Law Schools. The Dean, appointed to the committee last school year, replaces John Reed, the present chairman, whose term ends at the AALS annual meeting in Atlanta. In announcing the Dean’s chairmanship, the AALS president-elect, Professor Eugene F. Steuer of the University of Oregon, emphasized his interest in the Committee’s work concerning certification of specialist lawyers. The date of the Committee’s next meeting has not been set.

- Dennis Stakenbroeker

News In Brief

Lockers Available Saturday

A new policy concerning lockers will allow students access to the 47 building on Saturdays from 10-5, starting immediately. For students wishing to use the library on Sunday, space will be made available in the Proessel library to store books over the weekend. Books can be left there from Thursday or Friday and must be removed on Monday.

Bike Racks Coming

Philip King, Director of Buildings and Grounds, has announced that bike racks for students will be available shortly in the sub-basement, the 47 building. Padding will be installed first to prevent head injuries from the low ceiling.

Student Writing Award

Patricia M. Durnphy, a third year student, has been awarded $350 by the American Society of Composers, Authors and Publishers (ASCAP). The award, first prize in the Nathan Burkman Memorial Competition at New York Law School was for an essay entitled “A Consideration of the Proposed Performance Royalty in Sound Recordings.” The essay will now be submitted, along with prize winning essays from other law schools to a national panel of judges and will be entered in the national competition for prizes ranging from $250 to $1500. The outstanding essays will be published in "ASCAP Copyright Law Symposium Numbers Twenty-Seventy."

- Dennis Stakenbroeker

Errata

In our September issue we wrote that NYLS placement director Vera Sullivan was a graduate of Hunter College. She is actually an alumna of New York University. EQUITAS regrets the error.

Faculty Poll in Progress

The EQUITAS telephone poll of the faculty on the issue of posting of grades is still in progress. We hope to have the final results in our next issue.

Brandes Society

Anyone interested in rekindling the Jewish Law Students Union at NYLS, please contact Carla Lowenheim at (212) 896-3358. In previous years, the group arranged for speakers to talk on topics of interest to law students at the school. New ideas and leadership are welcomed.

EQUITAS will also be kicking off its annual fall rush partybold its annual fall rush party this fall. For more information, look for the EQUITAS booth in the law school soal social season. Tickets will be on sale in the near future. As for all fraternity functions, notices will be posted on the Phi Delta Phi message board in Gil’s.


- Gary Reiner

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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
Repainted hospital blue, the basement of the Aaron Burr Law School was the meeting place and dining room for its hundreds of students. The school had no campus. A former dean, acting on rumors of faltering enrollment, had sold the quad to a parking garage entrepreneur.

"What are you taking?" I asked Kate between classes.

"Prairie Law. Connce Law, which is a prerequisite to Convex Law. New York Practice. Conflicts. I wanted to take Commercial Paper since I'm a third-year student, but I got closed out. So I signed up for Comparative Law Clinic."

"Never heard of it."

"It's new. Two credits. You spend 10 hours a week in Paris preparing criminal cases and working with handgunners."

Kate owned and operated a women's restaurant before deciding to go for a law degree. She once told me, "I'm superstitious. I believe there are unknown forces we don't understand controlling our lives, such as Accounting and Law."

"You had Swift for Convexe Law," she said. "What's he like?"

"Smart," I assured her. "Has a mind like a pocket calculator. He is smarter than the entire circulation of People Magazine, including passing readers."

"Hey, don't go insulting them."

"Why? How would they know?"

We had to stop talking for a while because the wall speakers went on. "Who Did You Love?" was followed by Linda Ronstadt singing. "You're No Good, You're No Good." Then came "Feelings." I had never heard it performed by a high school marching band before. The drum solo had a strong Karen Carpenter influence.

"I'm hungry. I could eat a horse," Kate said.

"Order the hamburger."

"Nooo. You know I'm a vegetarian."

"Then have the hot dogs.

"I'll have the cream cheese on bagel with a hint of lox. I got a Coke. Or Pepsi. Maybe it was Coke."

I told Kate that I was thinking of taking Plea Bargaining in the spring. It was a very popular course despite the fact that no bar questions had ever alluded to the subject.

"Ms. Tyson is the most helpful professor I ever had," claimed Kate. "On the first day of class, she handed out four inches of supplemental cases and notes. As new decisions were reported she xeroxed copies for all of us. During the exam she rushed in with a landmark ruling by the United States Supreme Court. Since then, she has been sending out mailings to keep us up to date. I know Plea Bargaining. Ask me anything."

Kate asked me about Professor Madison, who was teaching my section of the required ethics course. She had had Madison for Trusts or Estates, a course now being reorganized by a Faculty Committee.

"What can I say? I don't think his stating "This is not a course in morality" is the right way to begin a course in professional responsibilities."

Kate appeared surprised.

"Professor Madison has forgotten more law than you will ever know," she said.

"And I was there when he forgot it."

"I think you're envious of him."

"No. The man is poised, charming, in command of his subject, witty, aggressive, competitive, well-dressed, he relates well to people, and demands the most from himself. How could I not like him?"

Racoul, a member of our study group, joined us for a few moments. The man from Staten Island is an overachiever. On the editorial staff of the law review. On the moot court. Worked last summer with a justice of the court of appeals.

Racoul did not eat. Instead, he skidded over a magazine illustration of a hot lunch. Sometimes he would look at a can.

Despite his awesome accomplishments, Racoul is a nice guy. He took this opportunity to urge Kate and me to law. "When the going gets tough, the tough get going," Racoul noted.

"Oh, a palindrome."

"Shut up," Racoul remarked. "John Mitchell said that, and he knows the law backwards and forwards."

"Forwards, too," said Kate.

But Racoul was never asleep.

"Funny thing happened this morning," Kate said. "Professor Marbury told us. 'Last year I was a bastard, this year I'm going to be a pussycat.' I guess he was. He repeated things and didn't hassle anyone."

I explained about Marbury. As a young man, he had entered Yale Drama School where the faculty had convinced him that he looked like a lawyer. He took their advice, went on tour with a light opera company doing "Trial by Jury." Performed in "Witness for the Prosecution" in Boston repertory theatre. Gained rave reviews as the judge advocate in "The Caine Mutiny Court-Martial." Then tragedy struck. Marbury opened as the lead in a Broadway revival of Elmer Rice's classic "What Price, Waterhouse?" The show closed after one performance. Trying to put the pieces of his life together, Marbury enrolled in Harvard Law School where the faculty eventually persuaded him that he looked like a law professor.

"That's show biz," said Kate, and we left for class.

ABA Porn Debate

continued from page 1

Discussions Became Heated

At the outset, Dean Shapiro set the ground rules for the discussion. The panelists were to give initial statements of no more than 10 minutes each. The Dean, as moderator of the panel, was quite firm on this and had to remind panelists of the time on a couple of occasions. After these initial statements, the panelists took part in several cross-discussions among themselves, which were skillfully moderated by Dean Shapiro. These discussions became quite heated with some strong personality differences emerging from time to time. Dean Shapiro did an excellent job of smoothing rough edges and soothing ruffled egos.

At the end of the discussions there was a question and answer period which allowed members of the audience, which numbered well over 500, to seek responses to what they felt were further issues in this developing area of the law.

The first panelist to speak was Dr. Dennis Gerber, who is both an attorney and a psychiatrist. He addressed himself primarily to the issue of child pornography. Although she admitted that she, as a psychiatrist, had at times prescribed some pornograpy for sexually troubled patients, she stressed that the mere thought of exploiting children in this multi-million dollar industry was appalling to her. She spoke of her studies and treatment of sexually abused children and came to the conclusion that child pornography may very well have played a part in such abuse.

continued on page 8

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Obituary

by Marily Sager, Paul Steif, and Ed Saslow

On Tuesday, August 30, 1977, Marilyn Valdes, a third-year student, died of cancer. We are diminished by her loss.

Marilyn entered law school at the age of 48. It was not the first of her accomplishments but merely the latest. She studied literature in Paris, worked in New York as a legal secretary, raised a family and later was a Master's Degree in Library Science from Columbia University.

She brought to the law school experience her remarkable zest for living, her love of learning, and her unique ability to puncture the absurdities of the world with her laughter. Marilyn, like the rest of her fellow students, was at times overwhelmed by classwork, confused by a professor's words, and annoyed at the registration process. But always, her sense of the ridiculous would lighten the burden and help us to laugh at ourselves. Above all, it was her warmth that drew us to her. She was caring, supportive, and full of insight. She was a very special lady and a friend.

Marilyn should have lived to be 96. We miss her fierce determination and spirit and we are angry at our loss. We extend our deepest sympathties to her daughter Magdalia.
On Practicing Law in England

Our Feature Editor recently returned from a visit to London, where he lived for several years. He knows several solicitors, a few barristers, has appeared as solicitor's agent in Court and used to live near Gray's Inn.

by Dennis Stukenbroeker

England and the United States share a common legal tradition and a lot of common law, but the legal profession in the two countries has developed along different lines. The United States has created one class of all purpose lawyer, while England has retained the two separate legal professions of solicitor and barrister. But England is now in the process of making changes in the legal education of the two groups to reflect both the rising educational level in the country and the increasing number of people seeking entrance into the professions.

An English solicitor or barrister is only qualified to practice in England or Wales. Scotland is, as the English say, “a law unto itself,” with its own legal system requiring separate qualification. Barristers are called advocates and there is no “not guilty,” only “not proved.” Northern Ireland also has its own legal system and legal profession. Of the 29,000 solicitors in England and Wales, about 21,000 are in private practice. Solicitors have the most in common with American lawyers. They form partnerships, firms, serve as company counsel, go into government, and handle the bulk of the paperwork and some family law, and are the courts of first appearance in all civil cases.

The professional body for solicitors is The Law Society which has wider influence and powers than its equivalents, the American Bar Association. It also administers Britain’s Legal Aid fund. For a person to become a law student, he or she must register as such with The Law Society. Traditionally, there have been three ways to enter the profession. In a country where the majority leave school at 16, it was possible for a non-university graduate to take a two-year articleship in a solicitor firm, take the two parts of the bar exam and qualify. A person who had a university degree (British universities are only three years) but not a law degree, could serve two and a half years as an articled clerk and pass the two parts of the bar exam and qualify. A person with an undergraduate law degree from one of the forty-four recognized universities in England, Wales, Scotland, Northern Ireland or Eire is exempt from the first part of the bar exam and only has to complete two years articles and Part II of the exam. This is done by the majority.

Under the new system, by 1980, it will be necessary to have a university degree or its equivalent. Those who do not major in law will be required to take a Common Professional Examination which replaces the old Part I and will cover the same subjects (constitutional, administrative law, trusts, contracts, torts, criminal law and land law).

In two years the old Part II of the bar exam will be replaced by a final examination covering conveyancing, accounts, revenue law, equity and succession, commercial law, company law and partnership, family law, local government law and magisterial law. Prior to taking the final exam the students will be required to take a compulsory course (an institutionalized bar review course).

The one institution retained is the two year articleship clerkship. The term “articles” comes from the medieval articles of indenture the student signs when he apprentices himself to a solicitor. This gives the student two years of practical, working experience before he qualifies.

Barristers cannot form partnerships. Instead, they set themselves up in chambers and share a clerk (office manager) and staff. In 1978 there were 274 sets of chambers in England and Wales (181 in London) with an average of 12 barristers in each. Every barrister must be a member of one of the four Inns of Court: Lincoln Inn, Inner Temple, Middle Temple and Gray’s Inn. These are medieval guilds dating from the fourteenth century and are the centers of work, education and social life.

There are only 3760 barristers (360 are women), and three-quarters practice in London. One in ten is a Queen’s Counsel and handles the big cases. A barrister “takes silk” (QCs wear silk robes) after 15-20 years practice and application to the Lord Chancellor. A QC automatically becomes a member of the Queen’s Privy Council. Barristers who haven’t become QCs are called “juniors” no matter how old they are.

The barristers’ governing body is the Senate of the Inns of Court and the Bar, which lays down policy, but the actual work is done by the Bar Council.

Under the new educational changes, the present Inns of Court School of Law will be phased out, and a standard university law major and Common Professional Examination will be introduced next year. Students join one of the four Inns (it costs $45) and stay with it for the rest of their lives. The social life is so much a part of the professional life of a barrister that students are required to attend thirty-six dinners at their Inn’s dining hall before they are allowed to qualify. Barristers are admitted or called, to the bar at one of four “call nights” during the year in the Inn hall.

The equivalent of articled clerkship is a year’s pupillage with a barrister (who becomes a “pupil master”). The fledgling barrister earns no money for the first six months, very little the second, and can be charged up to $200 by the pupil master, although this is seldom done today. Only then can he or she enter chambers, if an opening can be found.

Despite the small number of barristers, it is difficult for the newly qualified without connections to find chambers. Quite a few barristers have found themselves tending bar instead of appearing before one. While some barristers make large amounts of money, it is difficult for others, unless they have made a name among solicitors, to get briefs, even when they make themselves available.

In addition, barristers have the extra expense of the traditional wigs ($150) and gowns ($46). Even out of court they are found wearing a uniform of striped trousers, black coat, grey waistcoat and silver tie, and, of course, a shirt with a detachable collar that can be changed in the court robing room for the wing collar and tabs that go with the gown.

Barristers can switch and become solicitors and vice versa, but this requires disbarring themselves and taking the other’s bar exams in order to qualify.

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Middle Temple Gateway

For centuries, articled clerks were not paid and often had to pay for the privilege. As little as three or four years ago most full time clerks were paid only about $45 a week. Twenty percent inflation and rising wages in general forced a revolt, and many clerks are now earning $4000 a year or more.

Solicitors, in a country with lower wages generally than most European countries, east envious eyes on a U.S. lawyer’s income. The Law Society, in 1975, said a beginning solicitor could expect to make around $6000 a year. Now, with the declining pound, a solicitor with two years experience can expect to earn $7000 to $9000. This seems low, but the ratio between the legal profession and the highest paid blue collar workers is about the same as in the United States.

Barristers, who wear wigs and gowns, are the trial lawyers of England. A few set as legal specialists by drafting opinions and legal documents, but most spend their time in court. They can accept work only from a solicitor, cannot engage in any other profession, are bound to accept any brief in the courts where they practice (the "cab rank" principle) and cannot sue for their fees.
Editors

Contrary to popular opinion, the administration of this school, especially Dean Shapiro, will listen to student requests and will implement those requests where feasible.

Recent examples of this are the installation of bike racks in the 47 building and the new policy of keeping the 47 building open on Saturday, so that the students who have access to their lockers during their weekend use of the library.

Both of these measures were the result of student requests and suggestions to the administration. Dean Shapiro has often asked for student comments and suggestions. We think that students should take the Dean at his word and write the Dean a letter with any comments or complaints they may have.

If the students do not use this open channel of communication to the Dean then we feel that they have no right to gripe.

The Money Blackout

NYLS financial policies are working a hardship on students who are forced to take out large student loans in order to go to school. Federally insured student loans are sent to the student but must be co-signed by the school. It is school policy that any checks over $1000 must be signed by the Board Chairman, John V. Thorson. This means that students who have their loan checks and are in urgent need of funds at the beginning of the school term must wait many days at the pleasure of Dr. Thorson before they are allowed to have access to the money. Students are told that the delay is due to the fact that a student does not take out a loan over $2000. They are told that the reason for this is that the student is going to get it by putting off paying their bills, but this is not true. Students are being forced to pay their bills even though they are in dire need of the money.

This problem has been brought to the attention of the Board of Trustees. They are the only ones who can change this policy, but so far they have made no move to do so. Apparently, they do not appreciate the fact that a student does not take out a loan of over $1500 unless he needs the money, often immediately and sometimes desperately.

Dean Shapiro recently sent a memorandum to the Board on the subject. We urge that the Board take action and allow Dean Shapiro to go through with the plan. We understand the inconvenience the present policy causes to the students and the school, and most of all, he is available.

Students who have applied and qualified for loans and received their money from the school, should not have to turn it over to the school, even though the administration cited a lottery. Such lotteries are held for Commercial Paper and Trial Advocacy.

NYLS' version of the "Big Event," resulted in 17 students being "lucky" enough to get 8 out of Commercial Paper and 8 out of Trial Advocacy. The students then had to register for courses to replace those removed by chance from their schedules. It is small consolation that they were given "preference" over those who usually would have registered later.

Anthony Scanlon, NYLS Registrar, has suggested that under the circumstances, the lottery was the best way of determining who would be allowed in the course — although admitting that he was not "wildly enthusiastic" about it.

A better compromise had been suggested by Assistant Dean Marshall Lippman. His plan would have allowed students to register based on the number of credits accumulated rather than the number of years the student had been here.

We feel that better planning on the part of the Administration is called for so that there will be sufficient seats for all students in the more "popular courses."

Registration Blues

Registration is a dubious pleasure most people would dearly love to avoid. Once it is over, most students leave a sigh of relief and forget it.

This semester, however, to allow accelerated midyear admissions students to register, the administration instituted a lottery. Such lotteries were held for Commercial Paper and Trial Advocacy.

NYLS' version of the "Big Event," resulted in 17 students being "lucky" enough to get 8 out of Commercial Paper and 8 out of Trial Advocacy. The students then had to register for courses to replace those removed by chance from their schedules. It is small consolation that they were given "preference" over those who usually would have registered later.

Anthony Scanlon, NYLS Registrar, has suggested that under the circumstances, the lottery was the best way of determining who would be allowed in the course — although admitting that he was not "wildly enthusiastic" about it.

A better compromise had been suggested by Assistant Dean Marshall Lippman. His plan would have allowed students to register based on the number of credits accumulated rather than the number of years the student had been here.

We feel that better planning on the part of the Administration is called for so that there will be sufficient seats for all students in the more "popular courses."

The Building Report

The presentation of Dr. Albert Gold's plan (see story, page 1) served its purpose, in the words of the report, "if it becomes the target of intense criticism. By that standard the report has fulfilled its purpose, as students and faculty have taken it to task. We feel it unnecessary to go into the specifics of the report. Rather we question the premises on which the report is based. The report, no doubt by directive of the school, exhibited great concern for the costs involved. Every effort was made to keep costs down — and the result shows it.

If NYLS is to have a permanent home, we feel it should be an edifice that epitomizes the ideals to which this school aspires. Skimping on this building will mean, by the report's own admission, that space will be short even before construction is begun. Columbia and NYU have buildings of which they can be justifiably proud. We realize costs are high. But they will soar even higher if the new building proves inadequate. Brooklyn law School had a similar experience — having to rent space shortly after building a new center. We feel a proper complex should include the parking lot and the 47 building — eliminating the need for 49 or 57 buildings, the latter of which could be sold to raise funds.

In summary, we feel that if NYLS is to compete against other metropolitan law schools, it must have a building to which students and alumni can point with pride — even if it does cost more in the short run. Students are urged to obtain copies of the report and make their views on the subject known to the Administration.

Lottery? You Lose!

by Mike Solis

Riddle 1: What do the Selective Service System, the State of New York, and NYLS have in common?

Answer: They all use lotteries.

"In the lotteries used by the first two institutions, if you win, you win. It's as simple as that."

At NYLS, however, the registration lottery works different.

"If you win, you can still lose. If you win BIG, you can still lose BIG. For example, in a class of 200 students (about the size of one third-year day class), the student who receives the randomly selected number "one" registers first. Right? Right.

Since third-year day students register before all other classes, divisions, terms and sections, it is impossible for the number "one" registrant in that class to be closed out of any course. Right? Wrong. But how, some perceptive individual might ask, can that be?

The answer lies in NYLS's second lottery. If too many third-year students register for a course, the second lottery determines who will have the $20 add-drop fee waived to adjust their schedule. The first lottery is only a warm up; the second lottery is the real lottery. And, if number "one" in the first lottery — an apparent winner for sure — draws number sixty-one, he or she loses — an upset by any standards."

Riddle 2: Since every third-year student who registered for an Over-enrolled course (even number 200) is eligible for the second lottery, what is the purpose of the first lottery?

Unfortunately, the answer to this question is more obscure than the answer to the first one. It is so obscure, in fact, that the riddle is a natural for a contest.

Students are invited to submit what they believe is the logical response to Riddle 2. Entries must be written on either a 3 x 5 index card or your registration number computer card. Print the words "REGISTRATION LOTTERY RIDDLE" on the front of your entry. Send it to: EQUITAS, REGISTRATION LOTTERY RIDDLE, 47 Worth Street, New York, N.Y. 10013. A computer (possibly the one used by NYLS, which does an admirable job of random selecting) will assign numbers to all entries. Numbers one through ten are winners. Since the NYLS lottery system is being used, there will be a second random selection. All entries are eligible again. Number one through five will be the winners.

Just as the NYLS system allows winners to lose, our winners will be expelled from school at the end of the semester. Winners will be notified by Malgrin within two days. Their final grades and class rank will follow three months later. The selection of the computer is final.

The winning entries will also be forwarded to the Selective Service Administration and the State of New York along with a suggestion that the NYLS plan be implemented in future lotteries.

Law Quotes

"I have a high opinion of lawyers. With all their faults, they stack up well against those in every other occupation or profession. They are better to work with or play with or fight with or drink with, than most other varieties of mankind." — Harrison Tweed

— Rob Fraser

Memorandum from the Dean

Hi Grads - we're short of diplomas this year, so we're giving them out by Lottery...

— Rob Fraser

Answers & Counterclaims

To the Editor

You and your colleagues are certainly to be congratulated on the very fine September issue of EQUITAS.

Keep up the great work!

Cordially yours,

E. Donald Shapiro
Dean

Memorandum from the Dean

Hi Grads - we're short of diplomas this year, so we're giving them out by Lottery...

— Rob Fraser

To the Editor

I was sincerely pleased to learn that EQUITAS has given a motion picture projector to the law school. I cannot think of a more suitable gift for the student body.

My compliments to you and your staff for the excellent work you do for the betterment of the quality of life at New York Law School.

Cordially,

Lucille M. Hillman
Director
Office of Development and Alumni Affairs, NYLS

[Editor's note:] Recently we received a letter regarding the selection of students to law review. This letter, a copy of which was sent by the author to Dean Shapiro, was not signed.

It is the policy of this newspaper to withhold from publications unsigned letters. In order for this, or any other letter, to be printed in EQUITAS, the letter must be signed, although we will omit the actual name of the letter's author if he or she so requests.

If the student who wrote the letter in question wishes to have this letter published under those circumstances, that student should contact the Editor-in-Chief.

The name of the student will be kept absolutely confidential, if that is the desire of the letter's author.

— Rob Fraser
Twenty-one present and former Surrogate's Court judges as well as law department chiefs, law assistants, the Bennett Commission research counsel, law professors, legal writers and prominent members of the estate bar will participate in a two-day program at NYLS this month entitled EPTL-SCPA, Update '77. The conference is being held in recognition of the tenth anniversary of the Estates, Powers and Trusts Court and Surrogate's Court Procedure Act which became effective September 1, 1967.

The two-day program, organized and sponsored by the NYLS Office of Continuing Legal Education, is scheduled for October 28 and 29, 1977 at NYLS and will be moderated by Professor Joseph T. Arenson.


The conference is designed to review with practitioners the current state of the law in selected areas of Surrogate's Court and estate practice. It will focus particularly on the areas in which the EPTL and SCPA have been interpreted and amended during the last ten years through court decisions and legislative enactments.

The fee for registration and course materials is $100.

Among the topics to be reviewed are the substantive law of wills; intestate and small estates; jurisdiction of the Surrogate's Court; rights of legitimate, illegitimate, adopted and illegitimate children; distribution of proceeds of wrongful-death actions; discovery and miscellaneous proceedings; claims; joint wills and contracts to make wills; testamentary alternatives (joint and trust accounts, etc.); restrictions on legacies to charitable reformation of wills and charitable remainder trusts; appointment, powers, duties and liabilities of Executors; and professional accounting and informal accountings; construction proceedings; surviving spouses' right of election; testamentary substitutes; renunciation of legacies and intestate shares; and ad latus statutes; simultaneous deaths; and compensation of attorneys and fiduciaries.

For further information on the conference and registration procedures write or call Dean Marshall E. Lippman, Office of Continuing Legal Education, New York Law School, 57 Worth Street, New York, N.Y. 10013, (212) 966-3500.

PUBLIC NOTICE

All unclaimed material that was left in the school lockers (47 Worth Street) must be picked up at gift bookstore by Oct. 29, 1977. Any material or book not claimed by that date will be donated.

Sell Ads for EQUITAS

All those interested in earning extra money, on commission, by selling ads for EQUITAS are requested to come to a meeting Wed., Oct. 12, at 12:30 in the EQUITAS office, basement, 47 building.

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Too!
Dean Hosts ABA Porn Debate
continued from page 4

The next panelist to make a presentation was the well-known constitutional scholar, Prof. Alan Dershowitz. He stated that freedom of the press and freedom of expression demand freedom in this area of the law. He qualified this by stating that "obscene" material should not be forced upon people in public places.

Al Goldstein Burns His Bill
After Prof. Dershowitz spoke, Al Goldstein captivated the audience by lighting a match presentation from his attorney in an ongoing federal case in Kansas. His attorney, Steward Reems, who was the well-known actor, was the last panel to speak before the discussion period was over.

Professor Joel Lee:
Happy 15th Anniversary

We're so glad we got to spend a few of these years with you.

The Class of 1976

Farber on Finance

Student Loans

by David I. Farber

This is my first article offering financial advice for students and graduates. It is hoped that we will be able to develop a dialogue over the months to come. I actively seek questions of a broad scope from students and alumni(ae). I will strive to give useful, general advice. However, everyone's situation is different, and no action should be taken without fully evaluating your circumstances and seeking the advice of competent professionals.

This issue's column will be devoted to the New York Higher Education Services Corporation student loan program. Many students are financing their education through N.Y.H.E.S.C. loans. These loans are guaranteed by New York State and/or the federal government. They have no "need" requirement and participation in the program does not deny money to needy individuals. The interest rates are regulated by law and may vary according to the time of approval. For full information on the program, Ms. Feinberg and her capable staff are better qualified to assist you.

My point is directed to those students who have not taken advantage of this program. If your income is above a certain level, you may have to pay 5% or a simple interest rate on the outstanding balance. This interest is tax deductible if you itemize deductions. If you are a full-time student who has not previously used the program, you are eligible for $5,000 per year for your three years in school (part-time students may borrow $2,500). This is extremely expensive money for you to use as you wish. The payback schedule does not start until nine months following graduation or discontinuance. All loans are fully insured against death and total disability for their entire term.

A simple illustration of one possible use of the funds would be to put the money into a time deposit account with a savings bank. These accounts are currently earning 5.17% effective yield and are fully insured by a government agency. Assuming that your income necessitates your having to pay the 5% interest, you would still net 5.17%. Over a three year period of $5,000 annual deposits, you would have almost $600 pre-tax gain. If you are willing to take more risks, you should be able to increase your profits.

There are two basic repayment options available to you after graduation. One is to repay the entire amount in a lump sum to avoid any further interest charges. The other option is to take advantage of the relatively small monthly installments. The predetermined annual percentage rate (APR) on the installments is substantially below the current bank rates. Assuming that some advantageous differential exists upon graduation, it is wise to put your money to work in other areas and to pay back the installments. Your opportunities at the time should determine which method you choose.

If you accomplish nothing else through the use of this student loan program, you should be well on the road to establishing a "nest egg," developing a credit rating, and/or developing financial skills which are necessary for the successful management of your practice and personal financial affairs.
The Rosenberg Case: A Second Look

by Alan Rosenberg

A crowd of several thousand gathered in New York's Union Square on the afternoon of Friday, June 19, 1963 to celebrate the granting of a stay of execution to Julius and Ethel Rosenberg by Justice William O. Douglas. Douglas, who had already been sentenced during World War II.

The scene of the Rosenberg Trial.

The prosecution claimed that the Rosenbergs headed a spy ring, that had induced Greenleaf to obtain top-secret plans for the bomb while at Los Alamos and, had transmitted those plans to agents of the Soviet Union. The Rosenbergs contended that the case was a fabrication designed to further whip up Cold War and Korean War terrors and to create a scapegoat for the loss of America's atomic monopoly. They also claimed that they were framed by the FBI and prosecution, with the aid of Greenleaf and his wife Ruth, both of whom testified for the prosecution. The Rosenbergs pointed to the fact that while both Greenleaf and his wife, by their own admission, had committed the same offenses that they charged the Rosenbergs with. Ruth Greenleaf was never indicted. David Greenleaf, who pleaded, guilty was sentenced to fifteen years while the Rosenbergs were sentenced to death, and their co-defendant, Morton Sobell, was sentenced to thirty years.

The Rosenberg Sobell trial was held in March, 1961 at the height of the political hysteria which came to be called McCarthyism. In the eight months between the arrests and the trial both the FBI and the U.S. Attorney's office made numerous statements, which were widely reported in the press. The trial was sensationalized by the drama of brother accusing brother of a capital crime. The defendants were charged with conspiracy to commit espionage, as opposed to the substantive crime of espionage itself, thereby relieving the prosecution of the duty to show any overt acts committed by either of the Rosenbergs or Sobell. The charge of conspiracy also allowed the prosecution to use the overt acts committed by and testified to by the Greenleafs as "evidence of the defendants' guilt."

In addition to the Greenleafs, the prosecution presented two major witnesses, Harry Gold and Elisabeth Bestley, Gold a chemical engineer, claimed to have been a Soviet courier for many years. Gold had identified as the man to whom Greenleaf was alleged to have delivered the bomb plans for transmission to the Soviet Union. Roy Cohn, an Assistant U.S. Attorney and a member of the prosecution team, recently is featured in an interview for the made-for-public-television film "The Unquiet Death of Ethel and Julius Rosenberg" that Gold had a phenomenal memory for detail and could testify on the facts. Gold testified in great detail at the trial. Friends and co-workers of Gold, however, said that he was a harmless man with a rich imagination, who lived in a fantasy world which included a non-existent wife and family (he was a bachelor) and a non-existent brother whom he claimed died during the war in the Pacific. The prosecution claimed that since Gold had already been sentenced to thirty years for self-admitted espionage he had nothing to gain by testifying untruthfully.

Supporters of the Rosenbergs have contended that Gold was a weak man who was pressured by FBI agents (who in turn were under great pressure to solve the case of the atomic "theft") into concocting the courier story to corroborate the Greenleafs. In fact, recordings of his story made by Gold's attorneys when they interviewed him months before the trial show that his trial testimony was the product of an evolutionary process which made that testimony vastly and almost unrecognizably different. This was not discovered until not the early 1960s when the recordings were lent to Walter and Miriam Schneir, authors of Invitation to an Inquest, a book about the case. Moreover, for a number of months prior to the trial, Gold and Greenleaf were incorporated together on the no-call dormitory-style ninth floor of the Tushka, known as "Singing Quarters" for the fact that informers and government witnesses were housed there.

The other major witness, Elizabeth Bestley, was, like Gold, a self-proclaimed Soviet courier. She became a professional witness, that is, one whose financial future depended on the continuing receipt of witness fees, and testified at many of the political trials of the late 1940s and early 1950s. Though she admittedly never met, nor had any dealings with the defendants, she was asked to testify as an "expert" on communism and to relate, as Judge Kaufman put it, "the causal connection ... between membership in the (Communist) Party and intention to give an advantage to ... the USSR." The equation of domestic radicals with foreign spies was a key factor in the conviction of the defendants. Continued on page 10

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JULY

1977

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EQUITAS

Since 1861

We're saving a lot of people a lot of money.
The Rosenberg Case

continued from page 9

Max E litche, a college friend and engineering colleague of Sobell, the sole witness against him, testified that Sobell, had attempted to recruit him into the Rosenberg "spy ring." Elitcher himself was threatened with a perjury prosecution for falsely swearing he had never been a member of the Communist Party. He was never indicted.

There seems also to be a question as to whether or not the crime could actually have occurred at all. This question has two parts: was there actually a "secret" to the bomb, and, if so, could Greenglass have passed it?

After Hiroshima and Nagasaki, many U.S. scientists predicted the Soviet Union would be able to develop an atomic bomb in five years. In fact, it took them only four. Moreover, the principle of implosion, on which the bomb was based, was not unknown in the international scientific community.

The key was a device called a lens mold, which caused an implosion which collapsed a piece of plutonium and created a critical mass. Greenglass drew sketches of the lens mold of the Nagasaki bomb ("not to scale") which were introduced at trial as replicas of the sketches he claimed to have drawn and given to Gold in 1945. The prosecution asserted that the sketches were not substantial enough by themselves to allow the Soviet Union to develop a bomb therefrom. However, Dr. Philip Morrison, a physicist and co-holder of the patent on the atomic bomb, ridiculed Greenglass' crude drawings and said that the manufacture of the bomb was an "industry, not a formula." Assuming, however, that there was a transmittible secret of the bomb, was it possible for Greenglass to have understood that secret? Greenglass was a machinist at Los Alamos; he worked on lathes. He had no scientific training, and in fact, had failed eight courses out of eight at the Brooklyn Polytechnic Institute.

Some scientists believed, however, that the transmission of the implosion concept alone was sufficient to point the way to the Soviet scientists, eliminating a lot of trial and error. It was claimed that this was the real value of the alleged sketches. In this context, however, Scientific American noted that implosion had "often been suggested in speculation on a possible mechanism for detonation of the atomic bomb." The evidence on this point is not conclusive.

The Rosenbergs and Sobell had one trial and numerous appeals, all of which were unsuccessful. Supporters of the prosecution have cited the high number of affirmances as evidence of the fairness of the trial, and the soundness of the American judicial system. Justice Black thought differently. Dismissing from the vacation of the above-mentioned Douglas stay on the day of the executions he said,

It is not amiss to point out that this Court, has never reviewed this record and has never affirmed the fairness of the trial below. Without an affirmance of the fairness of the trial by the highest court of the land there might always be questions as to whether these executions were legally and rightfully carried out.

Justice Frankfurter, in his dissent made public three days later said, "To be writing an opinion affecting two lives after the curtain has been wound down upon them has the appearance of pathetic futility. But history also has its claims."

SBA President's Message

By Lindsey Rosenberg

Now that the semester is in full swing, it is time to address ourselves to one of the more important issues facing NYLS -- the posting of grades. The faculty should take a long, hard look at the educational institutions with which we are in competition, and break out of the dark ages by establishing grade posting in our school. Three to four months is just too long to have to wait for grades, especially when it may be only a few professors who are holding up the process. By implementing a posting system students may learn of their grades at the earliest possible opportunity. Not only would it make sense educationally, but logically as well, since in many cases loans and scholarship grants hang upon each semester's grades.

The students and administration have been requesting grade posting for quite a long time, yet the faculty has continually failed to heed these wishes. Dean Shapiro has long advocated grade posting, but the faculty has still failed to act. The SBA hopes that with the addition of many eminently qualified and experienced educators to the faculty, the necessary steps to implement grade posting will be finally taken. Only time and the upcoming faculty meetings will tell. It's time that the faculty get behind the Dean in his efforts to make NYLS the Urban Law Center it should be.

The SBA, in an effort to aid an overworked Placement Office, has established Student Placement Counseling. A group of students has been trained by Vera Sullivan, Placement Director, in the areas of resume preparation and general placement office resources. These student counselors can be contacted by leaving a message at the SBA Office in the Student Lounge at 47 Worth.

Final Examination Schedules are now available for inspection from your SBA Reps or at the SBA Office. Conflicts in the schedule will be rectified where possible if they are pointed out to us. So, check the schedule and make any complaints known.

Many thanks to EQUITAS for its recent donation of a movie projector to the school. SBA plans on using it for an upcoming Film Festival in November.

At press time SBA announces the winners of the SBA Rep Elections in the Day Division, First Year Class: Section A — Martin Brandfon, James Flannagan, Andrew Franklin; Section B — George Mead, Susan Lauder, Das Parekh; Section C — Amie Reinhertz, Didi Reitano, Richard Schapiro. Congratulations and good luck in the coming year.

Thanks to all those who made OCTOBERFEST a success!

REMEMBER the Columbus Day Beer Party on October 12th!

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Rhoda Groesberg - (212) 877-3313
Nancy Kran - (212) 533-5260
Dave Obrowski - (212) 285-3596

[Clip this ad and save for future reference.]
**RECRUITING SCHEDULE FOR OCTOBER AND NOVEMBER**

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<tr>
<th>DATE</th>
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<td>Tues. Oct. 11</td>
<td>Jackson Lewis</td>
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<td>Schnitzler &amp; Krupman</td>
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<td>Wed. Oct. 12</td>
<td>Federal Communications</td>
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<td>Commission</td>
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<td>Michigan Court of Appeals</td>
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<td>Thurs. Oct. 27</td>
<td>U.S. Army, Office of</td>
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<td>Staff Judge Advocate</td>
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<td>Tennessee Valley Auth.</td>
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All interviews will take place at NYLS, except the Federal Communications Commission, which will send a representative to the field office on Varick St.

All interested and qualified students should sign up for the firms for which they wish to be interviewed. RESUMES SHOULD BE SUBMITTED WELL IN ADVANCE OF THE INTERVIEW DATE. Speak with the Placement Office for further details.

As an extension of the Placement Office, six members of SBA will be acting as peer counselors helping students with resume and cover letter preparation and other career-related issues involving job hunting.

Contact Vera Sullivan, Director of Placement
(212) 966-3500 ext. 49  147 Worth/Rm 303

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**ÆQUITAS**

New York Law School
57 Worth Street
New York, New York 10013

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Dated Material
Address correction requested