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Equitas, vol IV, no. 6, Thursday, May 17, 1973

New York Law School

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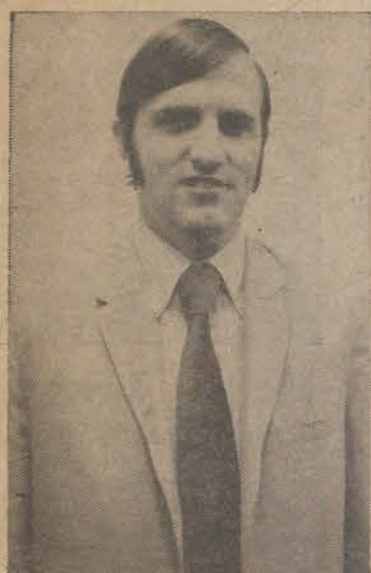
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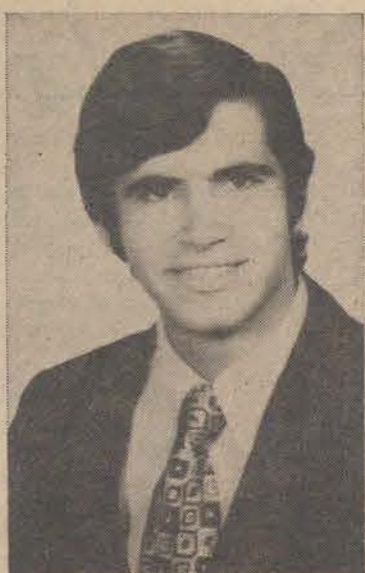
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Graves Elected SBA President



Frank Graves



George Heymann

Goldfarb, Kreisberg Tie For LSD Rep.

by Ron Goldfarb

Frank Graves, a 3rd year evening student from New Jersey was elected president of the Student Bar Association in the April 11 schoolwide election.

Mr. Graves, who was SBA secretary two years ago, outpolled George Heymann and Dave Ledy. The new SBA President received 47.6% of the votes cast.

Greater Student Participation

Graves has called for greater student participation in the SBA. His plans include placing students who are not SBA representatives on SBA committees.

George Heymann, a second year day student, is the new SBA vice-president, by virtue of receiving the second highest number of votes cast, and being in the opposite division from the president.

In a four way contest for treasurer, Michael Weisberg, a first year day student, garnered fourteen more votes than his nearest opponent, and was elected SBA treasurer.

LSD Election a Tie

The race for LSD representative resulted in a tie between Ronald Goldfarb, first year day, and Carol Kreisberg, second year

day, and it was decided that our school would have two LSD representatives. This is the practice at some other Law Schools.

The new constitution was easily adopted with 84.5% of the votes cast favoring affirmation.

There were no candidates for the office of secretary and Mr. Graves has appointed Evelyn Cohen to that position.

The enrollment figures used in the election statistics table which follows were taken from lists supplied by the school and may not reflect recent changes (i.e. this semester's dropouts).

Our thanks to Michael Newton of the SBA election committee for supplying the voting figures and calculating of the percentages.

Statistics

427 votes cast — 54% of total enrollment.

Evening 195 votes cast — 50.5% of evening enrollment.

Day 232 votes cast — 57.2% of day enrollment.

President	Votes	percentage of Votes cast
Graves	190	47.6%
Heymann	124	31.1
Ledy	85	21.3

399

Treasurer	Votes	percentage of Votes cast
Weisberg	118	32.2
Milkowski	104	28.2
Beilis	75	20.6
Leshner	69	19.0

366

LSD Representative	Votes	percentage of Votes cast
Goldfarb	142	38.3
Kreisberg	142	38.3
Ellner	87	23.4

371

Constitution	Votes	percentage of Votes cast
Yes	286	84.5
No	49	15.5

335

Total Enrollment	791
Day	
1st year	111
2nd year	127
3rd year (A)	88
3rd year (B)	77
Special	2

Total Day Enrollment 405

Evening	
1st year	110
2nd year	73
3rd year	113
4th year	86
Special	4

Total Evening Enrollment 386

EQUITAS

Vol. IV — Number 6



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Ambrose Named Distinguished Alumnus; Daniel Gutman Designated Dean Emeritus

The New York Law School Alumni Association present its Distinguished Alumnus Award to HON. MYLES J. AMBROSE, Special Consultant to the President for Drug Abuse Law Enforcement and Special Assistant Attorney General, Director of the Office for Drug Abuse Law Enforcement, Department of Justice, Washington, D.C. A graduate of New York Law School, Class of 1952, Mr. Ambrose has served as Administrative Assistant U.S. Attorney, Southern District of New York; Assistant to U.S. Secretary of Treasury Robert B. Anderson; Executive Director of the Waterfront Commission of New York Harbor; and as a United States Commissioner of Customs. The presentation was made on the occasion of the 13th Annual Dean's Day Alumni Homecoming of the Law School, which was held at Pace University on May 5, 1973. The presentation was made by Hon. Francis T. Murphy, Jr., an Associate Justice of the Appellate Division, First Department, the

1971 recipient of the Law School's Distinguished Alumnus Award.

The luncheon program also included the designation of Hon. Daniel Gutman, a retired Dean of the Law School, as Dean Emeritus, commemorating the 50th anniversary of Judge Gutman's admission to the Bar, and in recognition of his nine years of dedicated and distinguished service as Dean of New York Law School. The Dean Emeritus Award was presented by Dr. John V. Thornton, on behalf of the Board of Trustees of New York Law School. Dr. Thornton, former Vice-President of the School, presently serves as Chairman of its Board, a position long held by Hon. Charles W. Froessel, former Associate Judge of the Court of Appeals, who is now Honorary Chairman. The Alumni were also addressed by Walter A. Rafalko, the incumbent Dean of New York Law School, as well as by Martin L. Baron, President of the Alumni Association.

The morning panel, "A View



Myles J. Ambrose



Daniel Gutman

from the Surrogates Bench", including former Surrogate Joseph A. Cox, as well as New York County Surrogates S. Samuel DiFalco and Millard L. Midonick and Queens County Surrogate Louis D. Laurino, was moderated by Joseph T. Arenson, Professor of Law at New York Law School and Counsel to the Public Administrator of the County of New York.

The afternoon panel entitled, "Recent Developments in Matrimonial and Family Law," included Justices of the Supreme Court for the County of Queens, Joseph J. Kunzeman and Alfred D. Lerner; Administrative Judge of the Family Court for the County of Queens, Saul Moskoff; and Bernard R. Selkove, a practicing trial and matrimonial attorney. The matrimonial panel was moderated by Mrs. Geraldine T. Eiber, a Past President of the Queens County Women's Bar Association and of the Queens County Criminal Bar Association.

The morning panel was preceded by a breakfast collation and the afternoon panel followed

by a cocktail party in honor of the present and past Deans of the Law School, its faculty and members of the student body, who had been invited to attend as guests of the Alumni Association. Mrs. Sylvia D. Garland, a Vice President of the Alumni Association was Chairman of the event.

Pershes Wins ATLA Law Essay Contest

The American Trial Lawyers Association announced recently that Robert E. Pershes, a 1st year law student at New York Law School, was the winner of the 1973 ATLA Environmental Law Essay Contest which was sponsored by that organization.

In addition to a cash price of \$100.00 which Mr. Pershes was awarded for submitting the winning entry from his school, he will receive an engraved plaque and the opportunity to have his winning essay entered in the na-

tional competition which will have seven winners who will receive a cash price of \$500.00 each.

The Environmental Law Essay Contest, now in its third year, is an annual competition sponsored by the ATLA to the end that national attention might be focused on the continuing national problems of environmental control in all of its aspects.

ATLA is the second largest Bar Association in the nation, and

(Continued on Page 3)

Schwartz Announces June Retirement

Professor Louis E. Schwartz has announced that he will be retiring from the full time faculty as of this June.

Professor Schwartz has been a member of the full-time faculty since 1961, when he retired from his private law practice, and has been associated with N.Y.L.S. since 1951.

During his tenure at the law school Professor Schwartz has taught; Evidence, Trials and Appeals, Torts, Introduction to Law

and Procedure and N.Y. Pleading and Practice. This semester he is teaching the first year required course in Trial Techniques and an elective in Cross Examination.

He is author of Trial of Accident Cases, 7 vols.; Trial Lawyers Library, 6 vols.; Real Estate Manual; Cross Examination in Personal Injury Actions; Electronic-Court Series; and his latest, Proof, Persuasion, and Cross Examination (see Review EQUITAS, April 12, 1973).

Criminal Court Judge Arranges Own Arrest; Makes Concrete Suggestions for Prison Reform

by Arthur P. Fisch
N.Y.C. CRIMINAL COURT JUDGE ARRESTED IN CALIFORNIA. NEW YORK LAW SCHOOL ALUMNUS SERVES TIME IN SAN FRANCISCO JAIL. JUDGE ERNST HEY ROSENBERGER, NYLS CLASS OF '58 OF THE NYC CRIMINAL COURT WAS HELD THREE DAYS IN A SAN FRANCISCO JAIL.

Judge Rosenberger did not commit a crime. He had arranged with the Sheriff of San Francisco, an old personal friend to have a commitment order and stay signed by a San Francisco Judge, which order the Sheriff then placed on file in the detention jail. When Judge Rosenberger turned up at the end of the stay, the deputy on duty checked the file and finding the order began processing Rosenberger. The deputy had no knowledge of the fact that the detention order was not a real one or that his prisoner was in fact a Criminal Court Judge.

SLEPT ON THE FLOOR

Upon surrendering the Judge was processed. When asked what that consisted of, he replied, "The processing is your introduction to being in jail. You go to a cell and just sit there. Then you come out and you fill out some forms. The process then goes Strip, Search, Shower, and then you get sprayed with some kind of delousing powder and are issued coveralls.

This was in a detention facility, where all surrenders take place." He was the seventh man in a six man cell, and spent that night sleeping on the floor. The next day he was transferred to the prison in San Bruno, where another processing takes place. All their clothing was taken away and the men stood around naked. The same questions and forms were completed as had been filled out at the detention jail the previous day. He was again showered and

sprayed and issued coveralls, which as the Judge said, "were significantly too small, which made it very difficult to stand up straight."

A PIMP FOR A ROOMMATE

Two blankets, soap and a spoon were issued and then the prisoners went up to the cell tier. No shoes were issued and his own shoes were not returned the first day. He was assigned to a 5½x8 ft. bunk with another prisoner, a pimp who was in for robbery. The pimp had pleaded guilty to petty larceny. Judge Rosenberger said that his fellow prisoner "was only guilty of petty larceny, the plea bargaining ended up with him pleading to the only thing he could have been convicted of, the only thing of which he was guilty." The cell had only cold water which made personal cleanliness difficult, and made it virtually impossible to get the spoon, which was the only utensil available, clean. After remaining in the cell for three days, Rosenberger was released. As he said "after three days I was out."

When asked for his conclusions after the three days the Judge said "that jails are terrible places; the only legitimate purpose of jail is punishment, rehabilitation doesn't happen at all. It is a question of whether society is going to be better off by reeducating these men or punishing them. They get reeducated in jail, but they get reeducated in bad ways, whatever they did before they learn how to do better. A burglar becomes a much better burglar in jail."

In response to a question of whether or not prison could be changed, Rosenberger replied "that it takes a lot of money, and people don't want to spend the money." He pointed out however, that it was false economy in that if we spent the money necessary to get a correctional system that really worked it would cost less in the end. "If a

man comes out truly corrected, he is going to stop stealing cars or breaking into peoples houses and things like that. In the long run we are going to save even if we look at it only in terms of dollars and cents. As a whole society is going to save."

As to specific ideas for reform "some of the prisons which work best are those which recreate the society in which you want men to live. So a man has responsibility and rewards in prison; he functions in a token society; he gets paid for his work in prison; he can buy things with his wages; he has private visits with his wife. Prisons today place a positive value on things which society does not."

"You are a model prisoner if you just do as you are told all the time. You don't do any thinking — you lose your independence, you lose your identity. That makes you a model prisoner but it makes you a deficit citizen. The training should be geared to the what is in demand in

society. There is hardly a demand for people who makes license plates, or sew mattresses. The only place they make license plates is in prison — you may be the best license plate maker there is, but the only way you are going to get a job is to go back to prison."

Judge Rosenberger admitted that it was no easy task. Personalities of both the people who work with the prisoners and the prisoners themselves must be developed in order to affect a change. Some of prison personnel today still regard all of their charges as subjects or objects, and not as people at all. "We talked a lot before about budget, but at the very beginning, it doesn't cost a dime to act like you're human in relation with other people. If you create the adversary situation from the beginning, then there is really no reason to believe that its ever going to change. The majority of people who go to prison could

(Continued on Page 5)



Alumnus Appointed Bank Vice President

Stanley A. Samuels, a 1940 New York Law School graduate, has been elected a vice president in Manufacturers Hanover Trust's legal department.

Mr. Samuels joined the bank's legal department in 1955. He was promoted to assistant vice president in 1966 and his title was changed to associate counsel in 1971.

A native New Yorker, Mr. Samuels earned his B.S. degree from Columbia University and has completed course requirements for his M.A. from Columbia Graduate School. He is a New York City resident.

NYLS Alumni Notes

John Grimshaw, Jr. died December 25, 1971. Born December 5, 1891, in Paterson, N.J., he was a second lieutenant during World War I. In 1916, he graduated from New York Law School and took up practice of law in Paterson. During his career he was a referee in bankruptcy in Passaic, Bergen and Hudson Counties, N.J., and assistant U.S. District Attorney (1939-42 and 1944-46), a Deputy Attorney General for New Jersey and Vice-Chancellor.

Jacob I. Horowitz, a lawyer who had practiced at 231 East 86th Street for more than 40 years, died recently in University Hospital. He was 85 years old and lived at 519 East 86th Street.

Mr. Horowitz, a graduate of the New York Law School, was a member of the family that established Horowitz Bros. & Margaretten, makers of matzoth and other kosher foods. He was a past president of the Horowitz-Margaretten Family Association.

A funeral service for L. Hyler Connell, retired associate general counsel for the State Power Authority, was held recently at the Fred H. McGrath & Son Funeral Home, Bronxville. Mr. Connell died April 28, 1973 at the age of sixty-nine. He graduated from New York Law School in 1928.

With Power Authority

Mr. Connell, who lived at 630 Gramatan Avenue, Mount Vernon, was with the Power Authority from 1956 to 1970. He had been executive secretary of the State Unemployment Insurance Appeal Board from 1952 to 1956.

Earlier, Mr. Connell had been a partner in McLanahan, Merritt & Ingraham, 40 Wall Street, and was in the law department of the General Electric Company.

Recent Deaths

Judge George C. Inman '22 died March 3, 1973.

Nathan Ginsberg class of '27 died April 12, 1973.

Philip A. Greco class of '53 was the recipient of the 1973 Humanitarian award of National Cancer Foundation.

Francis A. Loewald has been named second vice president of Teachers Insurance and Annuity Association and College Retirement Equities Fund, according to an announcement made today by William C. Greenough, chairman of TIAA-CREF.

Mr. Loewald joined TIAA-CREF in 1961 and was named officer in the group insurance department in 1966. He is currently second vice president and regional manager in TIAA-CREF's college services division, which counsels educational institutions on retirement and other benefit programs. A graduate of Harvard College, Mr. Loewald also holds the J.D. degree from New York Law School, class of 1969. He lives with his wife and three sons in South Salen, New York.

TIAA and CREF are the non-profit service organization that provide retirement and insurance benefit plans for colleges, universities, independent schools, and related educational and scientific institutions.

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116 John St., N. Y. C. 10038

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(signed)

SBA PRESIDENT

BE PREPARED

By FRANK GRAVES

June — Finals — Summer. Once again they all crowd in upon our consciousness. Blood warms to the task of ensuring our survival against the onslaught of the system.

Pressure seems to accentuate those annoyances we have ignored since the last battle. "The exam schedule stinks — so does the summer school schedule!" and all the other sanctimonious sentiments which we give assent to at least twice a year.

In an adversary system it is entirely understandable that both parties must maintain an aloofness to preserve their integrity, but merely approaching the opposition is not tantamount to succumbing to it. The search for truth is rarely aided by a stoic adherence to principle. It's always much easier to blame the system than to enter into that painful area of introspection which reveals our own shortcomings. It's easy to criticize the schedules we are presented with but where were we when they were being formulated?

Right now we need a member of each class section to start work on next year's class schedule. Without this effort we'll be in the same boat next year. We need a committee to work through the summer on a meaningful Freshman Orientation program. These are only two among many many other needs for active innovative people to put wheels on our ideas and give direction to our desires.

To be sure the opposition has its faults but to attribute to

them a concerted effort to frustrate all our goals bespeaks at least a mild form of student paranoia. Yes, they are resistant to change, they do relish the status quo. We would too if the system was of our creation.

We haven't been doing our homework. We must appear to them somewhat like the freshman student telling his professor that he is prepared while boldly hiding a "can" in his notebook not realizing that P is actually D and the dissent isn't included in the casebook.

There's no substitute for preparation. If the SBA is to be viable it will be because you and I put in our best shots, because we spend the time to prepare our case and make it so palatable that the opposition cannot resist adopting it as their own.

I call on all of you for your assistance, your ideas, your creativity. You will see no "Cultural Neanderthal" articles here but you will frequently be asked to contribute time and talent. There will be no name calling but there may be a less than eager ear turned toward those who constantly want others to do everything for them.

The SBA should be a nucleus providing leadership and acting as a line of communication. Those of us who have run for elective office have placed ourselves under an obligation to shoulder a larger burden than those who did not run but without the efforts of all little can be done to bring about the changes we need at NYLS.

Moot Court Comes Of Age; Hope For Moot Courtroom

By Linda N. Cassano

The final argument of the Moot Court Spring Competition was held on Wednesday, May 2, 1973, in the Ceremonial Courtroom of the United States Customs Court at Federal Plaza. Counsel for Petitioner were Robert Franklin and Andrew Dwyer and Respondent was represented by Robert Maggio and Michael Ascher. Mr. Franklin and Mr. Ascher will represent New York Law School in the fall as the National Moot Court Team, while Mr. Maggio and Mr. Dwyer will be Team alternates. Wednesday's argument, the first of its kind for the law college, was presented in front of Judge Edward D. Re of the United States Customs Court, Judge Theodore R. Kupferman of the Supreme Court, Appellate Division, and Judge Irving Younger of the Civil Court of the City of New York.

The Moot Court Program at New York Law School is now in its fourth year — of relatively short duration when viewed next

to the long established, monied programs at other law schools. Nevertheless, as a student activity, its status has advanced from that of a "club" to that of a viable educational activity — recognition of which was finally acknowledged on May 2, 1973.

Only 9 People

Presently, the Moot Court Association is composed of the Board of the Team, a total representation of 9 people, which, until this year has divided its time between organizing the spring intra-mural competition and preparing the Team for the fall National Moot Court Competition.

In order to utilize the full resources of the student body, this year the Moot Court Board is dividing the Association into an Editorial Board, to fulfill virtually the same duties as the current "Board," and a staff, to be composed of next year's second year students — invitees from the first year class. (It should be noted, that although invitations are being sent to vari-

ous members of the first year class, this is being done in order to insure staffing; those wishing to participate in the program may still so request.)

In addition to the re-structuring of the Association, members of the Board and Team have presided over the oral arguments of Professor Simak's Brief Writing and Oral Argument class as part of a pilot program, which, hopefully, will be expanded to include the entire first year class next year, when staffing is greater. To date, those first year students who have participated have reacted favorably, with many indicating that the argument, though shortened and in class, has been one of their most invaluable educational experiences in the school.

Courtroom Frustrated

Efforts have begun this year to have a Moot Courtroom constructed in the school, in order that, as nearly as possible, a judicial atmosphere can be created, in which competition, class or ceremonial functions could be held. However, as there is uncertainty concerning our affiliation with Pace, and (or) of the duration of our stay in our present building, our efforts in this direction have been frustrated.

The members of the Moot Court Association who are graduating this year, wish every success to the new Team, and to the newly elected Chairman of the Association, David Ledy.

Sacks, Fisch Named Co-Editors for 73-74

Renee Sacks and Arthur P. Fisch have been named Co-Editors-In-Chief of EQUITAS for the 1973-74 school year. Ms. Sacks and Mr. Fisch will be replacing the current Editorial Board comprised of Alan

Schwartz, Rick Entin and Ms. Sacks. Schwartz and Entin are graduating seniors.

DYNAMIC DUO

Sal Bate and Jim Pagano have also been named Feature Editors for next year. Bate and Pagano, both First Year Day students, have combined talents in the past to bring to EQUITAS exclusive stories such as the Mario Biaggi and John Marchi interviews and the detailed comparison of all N.Y. area Law School schedules.

Ms. Sacks, a Second Year Day Student, will be serving her third year on the EQUITAS staff. She has also served two years as an SBA class representative.

Mr. Fisch, who will be primarily responsible for the production and organization of the paper, moves up from the Associate Editor's spot. Both Mr. Fisch and Ms. Sacks hope to encourage greater student participation with EQUITAS. They feel that "students must become active if EQUITAS and New York Law School want to move ahead." They intend to continue and improve EQUITAS' new style and its expanded content.

Further appointments will be made in the fall.

Carmen Cagnetta

LSD Holds Conference On Rights

By Diane Iushewitz

Shortly before our spring break the second circuit of the LSD held a conference in NYC. Similar conferences had been held throughout the country, each meeting having both topical discussions and business meetings.

The topic of the NY conference was Newsmen's Rights and Privileges: The First Amendment Guaranty of the Freedom of the Press. Joined together on the panel were working members of the press and experts on the first amendment. Keynote speaker was the senior counsel of the ACLU, Mr. Osmond Fraenkel.

After a brief history of the problem by Mr. Fraenkel, panel members discussed some of the current first amendment cases, their views on the proposed 'shield laws' for newsmen, and answered questions from the audience.

During lunch both Jack Weinstein, Federal District Court Judge, and Jacob Fuchsberg, Esq., candidates for the position of Chief Judge of the NY Court of Appeals, spoke. Students were able to question the candidates as well as continue the morning's discussion with the panelists, who joined them at lunch.

NY Law was well represented with five students participating. Other members of the second circuit include all the law schools in NY state, University of Connecticut Law, and Yale law schools.

SBA Legal Services Resolution Placed In Congressional Record By C. Rangel

Former SBA President Lorin Duckman has released a letter from Congressman Charles B. Rangel concerning the New York Law School S.B.A. resolution to save the office of Economic Opportunity Legal Service Program.

Mr. Rangel, Representative from the 19th Congressional District, addressed a personal letter to Mr. Duckman stating that he was doing "everything in my power to implement the goals that were expressed in your letter and the Student Bar Association Resolution." Mr. Rangel also had a copy of the Resolution, along with his own comments inserted into the March 26th issue of the Congressional Record.

The S.B.A. has also sent similar letters and copies of the Resolution to all Congressman and Senators in the area. Response has been received from almost all who were concerned.

The full text of the Congressional Record insert and Resolution follows:

Mr. Speaker, the need for legal services for the poor in this country is more widespread now than at any time in the past. But the President has not let this need affect his decision to dismantle the Office of Economic Opportunity, of which the legal services program is a part.

The legal services program has been providing invaluable legal assistance for the poor since its

inception 8 years ago. Its 2,500 attorneys represented nearly a million poor people last year.

It is quite clear that the President is not overly concerned about the future of legal services. He has said that he would prefer to see it become an independent corporation so it would be excluded from political pressures. He vetoed such a bill 2 years ago. It is obvious that his real concern lies with constructing a program that would be under his control.

His Acting Director of OEO, Howard J. Phillips, has speculated that funds for legal services could come from individual cities by way of revenue sharing.

The differences in opinion suggest something less than a firm commitment to the survival of legal services.

But there are many people in this country who realize the importance of an independent program that would provide legal services for the poor. I am inserting into the Record the following resolution which was passed by the Student Bar Association of New York Law School. It will be a tragedy for America if the proposals they set forth, or similar proposals, are not enacted:

RESOLUTION

Whereas: There is a continuing need for legal services for the poor.

Whereas: There are federally funded Legal Services Programs to meet this need in each of the states.

Whereas: These programs are facing an expanding demand for legal services and increased operating expenses.

Whereas: This Association continues to support the need for adequate legal services to the poor and the need for vital and independent programs to provide this representation.

Now, therefore, it is resolved:

1. The United States government should increase the level of funding of Legal Services programs to enable them to provide adequate legal services to eligible clients and to prevent a serious deterioration of the quality and quantity of service because of increased expense and mounting caseloads.

2. Government at all levels and lawyers from both the public and private sectors should take every step necessary to insure that legal services remain independent from political pressures in the cause of representing clients.

3. The Congress of the United States should enact a legal service corporation of a design consistent with the foregoing principles and the need to maintain full and adequate legal services for the poor.

Pershes Wins...

(Continued from Page 1)

the largest Trial Bar in the world. The sponsorship of the contest results from the strong belief of ATLA that problems of the national environment are critical to the future of the nation, and that the attitudes and the knowledge of youth, particularly those who will be directly involved in the legal system in years to come, may stand as the difference between hope and disaster for the United States of America.

Equitas Editorials

Graduating Editors

Three of the members of the **EQUITAS** editorial staff are graduating this year. **EQUITAS** would like to take this opportunity to express our appreciation for the

time and energy they have devoted to the paper. Richard C. Entin, Alan Schwartz, and Carmen Cagnetta, we wish you all the best in your new legal careers.

Memorandums

RE: LAW DAY

EQUITAS observed rather sadly the sparse attendance at Judge Edward Re's speech on Law Day.

Students at **NYLS** profess to be very concerned about our school's "image." What effect must it have on this image when a distinguished visitor such as Judge Re is forced to face row upon row of empty chairs? What effect must it have had upon other visitors?

The unpleasant taste that such an experience leaves behind will outlast the memory of what caused it. If a visitor should mention it, however casually, to friends and acquaintances the "taste" spreads further.

And then when **NYLS** students come for jobs, in addition to all of the other problems we have to face in competition with people from other schools — problems which we don't have the power to do anything about — we have to cope with this "aftertaste" which we could have prevented. And this "aftertaste" might well be the very straw that tips the balance of the hiring scale against the **NYLS** graduate.

By coming to the Law Day speech and by listening courteously, **NYLS** students would have helped the school's reputation. By helping the school's reputation, we help ourselves, for, like it or not, we go forth as its alumni. Like it or not, we are judged by its image.

As students, we do not have the control over the administration and the faculty that we might like to have. We cannot persuade them to take all of the steps in our behalf that we might like them to take.

But we do have control over ourselves. There is nothing that prevents us from taking steps in our own behalf, and there is no excuse for our refusing to take them.

RE: MOOT COURT

EQUITAS wishes to extend its congratulations to Ms. Linda Cassano and Mr. Bob Wiggins for their work on behalf of Moot Court. Specifically, we would like to thank them for having arranged to hold the final debate in the Ceremonial Courtroom of the U.S. Customs Court in front of a panel of three truly distinguished judges: Judge Edward D. Re of the Customs Court, Judge Theodore Kupferman of the Supreme Court Appellate Division of New York and Judge Irving Younger of the Civil Court of the City of New York.

The work and dedication of these two students in arranging this event have given new status to our school's Moot Court Program.

Special Thanks

EQUITAS would like to thank Carmen Cagnetta for his untiring efforts on behalf of this newspaper. Without official title he came forward when the need arose and acted as the Editor-in-Chief. Without him, it is doubtful that we could have had a paper at all, with him we believe **EQUITAS** ranks with the best of Law School Newspapers.

He is a rare individual. He undertook the

RE: GRADUATION

Today, people have become less ceremonious in their behavior. We look at old Sunday Supplements and see how people dressed for the theatre, the opera. We look again today and see that denim is considered appropriate dress for almost any occasion.

Meals, even for state occasions, are simpler. How many 20th century stomachs could survive either the bulk or the complications of a 19th century ceremonial feast?

Most modern people today do not like elaborate ritual; they are embarrassed and oppressed by it. Nevertheless, though the elaborateness of former times may be distasteful, people still like to mark ceremonial occasions, but they like to mark them with the simplicity that characterizes our age.

Which brings us to the subject of **GRADUATION**. Since the ceremony of graduation exists primarily to mark the achievements of those who are graduating, since its ostensible purpose is to honor them, it would seem only fair that the members of the graduating class have a say in how their graduation is run.

Certainly, the wishes of the graduating class should be consulted on the matter of a graduation speaker to take just one example.

Last year at graduation, the most embarrassing singer, straight off the Rome-Tel Aviv Wedding-Bar Mitzvah circuit, sang two or three "masterpieces" of kitsch. "To Dream the Impossible Dream" was one such anthem.

EQUITAS says, "Send that man back to Long Island!" Bad baritones singing corny songs have no place at a dignified ceremony which marks an important step on the path to "attorneyhood."

To repeat: graduation is for the graduates and for their families. The graduates have a right to have a hand in shaping the graduation ceremonies in such a way that both they and their families will be able to derive pride and pleasure from them.

RE: DEAN'S DAY

EQUITAS would like to thank the Alumni Society, and Mrs. Sylvia D. Garland '60 the chairman of the Dean's Day Homecoming Committee. Those who attended went away with a new appreciation of what **NYLS** graduates can accomplish. The seminars were interesting and informative, the luncheon (free to students) excellent; the cocktails afterwards plentiful; but most important was the opportunity to meet with Alumni representing all aspects of law, from Court of Appeals Justices to General Practitioners. Make an effort to attend the next one when the opportunity arises — it is a worthwhile experience.

job because he felt it needed to be done. He wanted to leave the school better than he found it, and was willing to do something constructive about accomplishing that task. He never asked for title or glory, he did ask people to meet deadlines and help put out a quality publication for **New York Law School**.

New York Law School and **EQUITAS** owe a great deal to Carmen Cagnetta.

Phi Delta Phi Holds Annual Dinner Dance

by Linda Nelson

The spring initiation of new members into Dwight Inn-Phi Delta Phi was celebrated with a buffet dinner party and dance at Pace University.

Dwight Inn presented its annual awards to Prof. Franklin Setaro as Professor of the Year and Linda Nelson as Graduate of the Year. In addition, Senator Harrison Goldin and Anthony Fi-Falco, an alumnus and candidate for City Council President, were

honored for their significant contributions to the legal profession.

The event was attended by Judge Charles Froessel, Dr. Thornton, Dean Rafalko, various members of the faculty and approximately 100 members and friends of Dwight Inn.

FROESSEL QUICKSTEPS

Judge Froessel and Linda Nelson started the dancing off at a lively pace with some fancy. (Continued on Page 6)

Letters To The Editor

To the Editor:

On March 21, 1973, the Association of the Bar of the City of New York held a lecture entitled "Dole v. Dow Chemical — What hath the Court of Appeals Wrought." The lecturers were a State Supreme Court Justice, a former State Supreme Court Justice, and an attorney.

The lecture was interesting, and many issues were raised which are irrelevant to the point of this letter. We are 1st year students. Nothing said by any of the lecturers was over our head. We could anticipate many of the conclusions. We were able to answer some of the questions raised by the practicing tort lawyers in the audience.

Our legal knowledge comes exclusively from New York Law School.

Ronald Goldfarb
Basil O'Connor

Correction

TO THE EDITOR

I write this letter to clarify certain things that appeared in "Fraternity Holds Dinner Dance," *Equitas*, Vol. IV, number 5. Firstly, the article was written by me, Brian M. Meyer.

Secondly, in the last paragraph, it should not read "It is the opinion of Phi Delta Phi" but should read "It is the opinion of many of the students."

Finally, I must admit that I am guilty of exactly what I criticized the President of the S.B.A. of, i.e. the misplacement of material. The article mentioned above was designed as a simple fraternity news article; the last segment should have been in a personal letter.

Sincerely yours,
Brian M. Meyer

Prof. Soubotitch Eulogized

TO THE EDITOR:

Gentleman and scholar; these are trite words in times when both titles attract few aspirants. To Professor Soubotitch, however, these words informed a way of life. He epitomized the best qualities of gentlemen and scholars.

He was not only unfailingly courteous, but also truly kind. He was always willing to spend time with students, and took a genuine interest in their lives. While he had a pride in his heritage and in his accomplishments, he was never arrogant or snobbish. Indeed, he was fond of telling stories in which he was the butt of the joke.

Twice this semester he took me to lunch after class. He liked to go to Tony's of Worth Street, where he and the bartender had become good friends. At the bar we talked and argued about various problems of international law, jurisprudence, philosophy and theology. Later, at the lunch table, he regaled me with stories of his family in Belgrade; his youth in Vienna when it was the capital of an empire; his service in World War I as a cavalry officer; and his diplomatic career which culminated in his appointment as Yugoslav Ambassador to the Court of St. James.

In class one day he recited from memory the first chapter (in Latin) of Justinian's *Institutiones*. This memorizing, he told us, was mandatory when he was a law student in Vienna. Once he

told me how he had earned a law degree from a Swiss University while recuperating from wounds sustained in the Battle of Thessalonika. He had, of course, collected books his whole life. Unfortunately, a large portion of his collection was destroyed by an American bomb which fell on his apartment in Belgrade during World War II. Characteristically, he was not embittered by that event.

Ivan Soubotitch was a person of great erudition, but was not intellectually stale. He was humble and courageous enough to go to Columbia Law School while in his fifties, studying a totally foreign system of jurisprudence in a foreign language. He did so not out of necessity, but because, as he said, "There is more to life than attending parties." He was graduated as a full-fledged Common Law lawyer. Even as a practicing lawyer he continued to write and teach. Until he died, Ivan Soubotitch never ceased to be a scholar.

He used to say that entering Columbia was the beginning of his second life. Professor Soubotitch told us that his third life had begun after he survived a near-fatal heart attack two years ago. He was a gentleman and a scholar, yes; but his greatest quality was that he lived all of his lives fully and with zest. Our greatest tribute to him would be for us to live our own lives in the same spirit.

David S. Cook '73

Ralph Nader Calls for Lawyers To Become 'Citizen Advocates'

By Sal Bate

At recent public appearances at various metropolitan colleges and universities, Mr. Ralph Nader, best known as the "consumer advocate" called for the establishment of statewide Public Interest Research Groups, to be known as PIRG.

The controversial 39 year old Harvard Law graduate cited the need for citizen articulation and organization stating, "People have never had less of a role in government than today." Mr. Nader then explained that the steady trend of delegating authority from citizen to government and corporate institutions must reverse itself if America as a people are to solve the perplexing and frustrating problems that face us.

Basically the concept of PIRG entails the hiring of full-time professional and skilled people necessary to conduct research

and studies which will hopefully lead to honest solutions of such problems as consumer safety, mass transit, housing, and a myriad of other problems. These "citizen advocates" may be compared to lobbyists in that Mr. Nader pointed out that in Wash., D.C. approximately 10,000 law-years are employed by special interest groups while about only 50 represent the public interest full time. Mr. Nader concludes that since the Government is not working full-time to protect the public the citizen himself must.

Three questions must be answered before going on any further. First, Who is going to fund this program? Second, Is it consistent with existing authority? Third, Will it work?

In answer to the first inquiry Mr. Nader stated that the public should fund this program themselves since they are the direct beneficiaries. It is a question of

priorities. When one learns that more money is spent in this country on deodorants (Madison Avenue does it again) than for air pollution one can only conclude that perspiration resulting in body odor (shudder) must be one of the most deadliest horrors ever to inflict mankind since Moses called upon the Lord to inflict Egypt with the Seven Plagues.

The point is that there are many unnecessary products on the market, bordering on the useless, that are bought by millions of Americans each day. If only a fraction of this spending could voluntarily be diverted to support such an ambitious program, it would be more than enough to get the ball rolling.

In response to the second question, Mr. Nader has shown that significant legal rights to give the citizen more voice exist in the Constitution of the U.S., the Bill of Rights, the State Constitutions, and case law. In fact, the idea of a "professional citizen" is an ancient idea. In Athens certain citizens had careers of looking out for the public interest.

The answer to the third question depends upon the public's motivation and incentive. Starting on various college campuses throughout the nation (Oregon, Mass., Virginia, Iowa and others) students have become the prime movers of Mr. Nader's plan of on-the-job citizenship. He has stated that the rules of student and citizen do not have to be mutually exclusive as is usually the case. In Oregon, where the initial PIRG began, 55% of that state's college students voted to assess themselves \$3.00 per year to carry out the program on a statewide basis.

In the state of New York, Syracuse University, Queen College, Rensselaer Polytechnic Institute and others have approved of the idea and are in the process of formulating their own groups.

Mr. Nader feels that this renaissance of citizen action must become a way of life to reach its full potential, and that the real issue here is "Crime in the Suites" committed by the corporate interests in planning only what is good for them. In the final analysis, people must rely on themselves if the level of equity and justice are to improve.

Jailed Judge

(Continued from Page 2)

be sentenced to more useful sentences than just for security purposes."

Our interview with Judge Rosenberger points out something which is perhaps overlooked by many who cry about the leniency of the courts, and who blame Judges for putting dangerous criminals out on the streets. Judges like Ernst Rosenberger, do not live in ivory towers. On the contrary they are very much aware of the problems which exist, and are making a conscious effort to seek the solutions which will provide the best balance between both, the protection of society and the individual.

POINT OF VIEW

WHAT TO DO

By CARMEN J. COGNETTA

Most logically if we are to get New York Law School moving we must start with the Administration. The Board of Trustees must not run every aspect of the School. They should hire someone, call him a Dean or President, who will run the school. Almost every time I've walked into the Dean's office on assignment for EQUITAS, no matter what the request, it had to be approved by Judge Froessel, or the Board of Trustees. If the student government is to have power it must deal directly with someone who can make decisions. Dealing with a messenger for the Board of Trustees will not suffice. It will only frustrate.

The changes must come. N.Y.L.S. is at least 5 years behind other law schools in catching up to reality. The recently released Carnegie report enumerates some of the directions in which we must be heading. Three years of the case method of teaching is too much. It does not teach, it stifles. Our curriculum must be revamped. Can't Future Interests be integrated into Trust and Wills? (Future Interest cases are few and far between.) Shouldn't the procedure end of the Criminal Law course be expanded? (Procedure is 90% of Criminal Law practice today.) These are a few of the academic directions in which our Administration should be heading. Sometimes I think it wants to go back to teaching the common law in Latin.

The teaching staff must be looked at with a very critical eye. Some of our professors should not be teaching. Most are great men, tremendous human beings but lousy teachers. I couldn't believe that my Federal Income Tax teacher did not once introduce a tax form to the class and attempt to illustrate what we learned in class by using it. That's like trying to teach a cooking course without pots and pans. Unfortunately, too many courses are like that. That is not to say that other courses aren't excellent. At the end of the semester, I walked out of my wills class and felt that I could perform my duties as a lawyer in that field competently. But, there were only a few courses like that among my 80 credits.

Next we come to the public image of N.Y. Law School. Most of our problems stem from the

fact that our name is easily mistaken with the better known N.Y.U. Hofstra Law School, less than three years old, can safely say that they have a better reputation than we do. Why? We have a poor reputation because we are constantly compared with another school. Therefore, we must be second best. We are the only school that must undergo a split second comparison which leaves us second. We end up second only because N.Y.U. is a nationally known school. The problem is similar to the question "when did you stop beating your wife?" The dialogue goes something like this — "What law school do you go to — New York Law School — Oh N.Y.U." No New York Law School — Oh. Automatically we are inferior because they know the name N.Y.U. not their academic reputation. They could be teaching basket weaving to N.Y.U. Law School students. It wouldn't matter. It's the university they know and not the academic reputation. So what to do to remedy the immediate problem. Change our name. Call it anything you wish, even The Koeffler School of Law, would get a better reaction than New York Law School. Name it after a famous Supreme Court Justice. Make it distinctive, that's good P.R. This coupled with an active administration, making needed changes, acquiring a top notch staff, will put New York Law School into a top category.

Finally the students must apply pressure on the Administration to accomplish their goals. I mean not only present students but also the alumni. The alumni must become active, they must become aware of the conditions at N.Y. Law School and then apply the pressure. The Board of Trustees will bend to alumni pressures. It must be applied.

Now comes time for the torch to be passed. Unfortunately I feel this years senior class didn't run very far with it. We barely kept it lit. Hopefully the new SBA will begin to work on some of these ideas. EQUITAS with its new look and a more pointed editorial content will hopefully become a vital independent cog in the student power structure. I'm afraid my task now becomes that of a concerned alumnus. See you at next year's Day!

ADIOS!

By RICK ENTIN

EQUITAS is read and enjoyed by not only the members of the student body but also by our distinguished alumni. Every eight to ten weeks another issue is published. However, I sometimes wonder how many of our readers know or appreciate the efforts and difficulties encountered in the publishing of this student periodical. No, I don't want to take this opportunity to pat myself on the back, by writing a column devoted to my sacrifices. They were this last year few and far between. The purpose of this column is rather to pat those staff members on the back who, in my opinion, were constantly sacrificing their time and employing their unique abilities in actually getting this paper out to you.

First and foremost, congratulations should be given to Carmen Cognetta. He solely was responsible for all aspects of layout and general production. He set up pages and decided what went where. This feat remarkable as it is, becomes even more remarkable when it's realized that he only joined our staff this year. They say that satisfaction is its own reward. Carmen joined us as a member of the layout staff. In a matter of two issues he was elevated to the position of a full voting member of the editorial board. Aside from layout, Carmen was instrumental in obtaining a smooth transition from a New Jersey Publisher to a New York Publisher.

However publishing a paper without a good economic administration is like putting the cart before the horse. EQUITAS was indeed fortunate to find abundant administrative ability in Arthur Fisch, a first year day student.

Procuring advertisers, paying and sending out bills, as well as playing a public relations man all at the same time is a gift that few of us have. Taking an inadequate budget due to unforeseen costs, Art was able to allot enough funds, where they came from I know not where — but all legal) for us to put out this final issue of the semester.

In a student publication the most difficult problem that affects its existence is the lack of continuity among its staff. We are all transient at the law school. This year the editorial board, cognizant of this problem, and anxious to form a basis of continuity recognized Art's ability. We therefore decided to capitalize upon it by appointing him co-editor-in-chief with Renee Sacks for next year.

Renee, Renee, Renee. What a gift she has been. One of the outgoing editors this year and one of the incoming ones this next year. This column can't do her justice, her extraordinary journalistic ability is matched only by her sincere belief that one can foster change best by choosing one's targets carefully.

Next year, with Renee and Art at the helm, should prove to be the best year of EQUITAS' existence.

I must in closing also commend the Huntley-Brinkley of our staff. Sal Bate and Jim Pagano have not only been guilty of the crime of investigative journalism, but they have also been solely responsible for all the in depth interviews printed this year.

It is indeed strange to see two people able to complement each other in their individual abilities, but, nothing these two do shocks me. I foresee big things for them in the future.

Finally I must commend Alan Schwartz who as a member of the Editorial Board was able to do something never before done at N.Y.L.S. As a night student he integrated the evening classes into the fabric of the student body. This along with carrying on his function as a member of the Editorial Board showed not only his ability and love of the newspaper, but also his concern for the full integration of the students.

Farewell, New York Law School, au revoir fellow students and adios Manuel. May the coming years give each and every one of you the success you desire and the clients you deserve.

Equitas

Co-Editors-In-Chief

Renee Sacks

Arthur P. Fisch

Editors Emeritus

Alan Schwartz

Richard C. Entin

Carmen Cognetta Jr.

Feature Editors

Sal Bate

Jim Pagano

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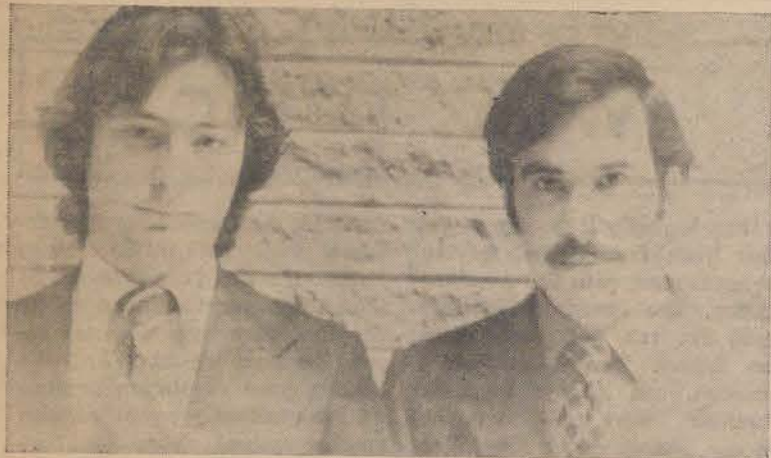
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Paul Montclare and Stanley Rothstein

Law Forum Elects New Staff Heads

Linda Sosnowitz, outgoing Editor-in-Chief of the New York Law School Law Forum has announced the selection of editors for the 1973-74 school year.

Paul Montclare will assume the Editor-in-Chief position. Paul, a second year day student, has served the past two years on the staff of the Forum. Stanley Rothstein will assist Montclare at the Executive Editor's position. Rothstein fills the position previously held by Jim Dobbs. Susan Schiff will become Articles Editor, while Jack D'Emic will head the Articles Book Review section.

New Staff

Other Staff appointments are: Richard Kummer, Barbara Prager, Michael Perkiel and Anita Shapiro, Notes and Comments Editors. Alan Rubinstein and Robert Sullivan, Research Editors. Michael Kop-sak, Topics Editor and Allan Goldstein, Business Editor.

Other graduating Seniors include Elizabeth M. Toll, Daniel Schopick, David Sculnick, Leland Ness and Phil Mondello.

Moot Court Holds Final Competition; Judge Re Presides Over Mock Trial

by JIM PAGANO

After observing the Moot Court Competition, one is convinced that appellate advocacy is indeed an art. The competition was held in the ceremonial courtroom of the U.S. Customs Court on Wednesday, May 2, 1973 before three eminent New York Judges. Judge Edward D. Re, of that court, presided. Judge Re, you will recall, addressed the student body on Law Day. He was ably assisted by Judge Irving T. Younger, of the Civil Court of the City of New York, and Judge Theodore Kupferman of the Appellate Division of the Supreme Court, First Department.

This courtroom, filled with an aura of judicial solemnity, is reputed to be one of the most modern and beautiful in existence. The bench is set below a large gold background, decorated with a modern art figure of an eagle, and the words, "Equal Justice Under Law."

The four advocates, Robert Franklin and Andrew Dwyer, for the petitioner and Robert Maggio and Michael Asher, for the respondent, performed well and responded admirably to the questions, both factual and hypothetical, posed to them by the eminent jurists. The case argued involved 42 U.S.C. 1983 which deals with the civil liability of the police. More than 80 spectators viewed the proceedings including Dean Rafalko as well as members of the faculty and student body.

After about one hour and ten minutes of argument, the court convened to the chambers. They returned a split decision in favor of the petitioner. Each judge then proceeded to deliver a critique.

Judge Younger spoke first and called his critique "infallible guidelines for appellate advocacy." The first and very important element is manner, stated

the judge. Appellate advocacy is "elevated conversation" and not a speech or an oration. Second, and equally important, is being able to respond to questions. He cited an example. Although it would be preferable to be familiar with all the cases cited in one's brief, if you are not, and are asked about a certain case with which you are not familiar, do not attempt to bluff, admit that you do not know. The final guideline, which is idiosyncratic to Judge Younger, is that you should not relate the facts, unless the court specifically requests them. The reason here is that it is oftentimes boring and difficult to follow. It is more desirable to go directly into the principles of the argument.

Judge Kupferman also praised the team, especially for their preparation of the arguments. He felt that it is the duty of the advocate to get his special message across, but that there were certain other variables involved. The first is the judge's preparation. He noted that the Moot Court, like his court, was a "hot bench" and that the judges were familiar with the briefs. This may not be the case in all courts before which you may argue. Secondly, the side of the case upon which you find yourself is also a variable. Even the best advocate may lose if he finds himself on the "wrong side" of the case.

Judge Re, chose to give his critique as a professor of law, rather than a judge. It should be noted that Judge Re was a professor of law at Saint John's School of Law. He is also the author of numerous casebooks, two of which are used in this school, BRIEF WRITING AND ORAL ARGUMENT and EQUITY, which he co-authored with Chafee, a great legal scholar.

Freedom Of The Press Explored At State Bar Young Lawyers Meeting

by Robert Schachter

The question of what limitations should be constitutionally placed on freedom of speech and press was the topic for discussion by a panel of six distinguished newsmen, writers and politicians at the most recent meeting of the Young Lawyer's Section of the New York State Bar Association. In the wake of Watergate and the Ellsberg trial, the evening proved to be a most stimulating and thought-provoking event. The panel members generally discussed the basic role of newsmen, their far-reaching effects on the public, and the ever-present question of the reporter's privilege.

Newsmen Content

The entire panel seemed to agree on one basic point: that in light of recent events, newsmen have once again obtained the respected position that they so truly deserve. The public must have a means of ascertaining what is truth as opposed to rumor or intentionally misleading statements. The reporter must bring to the public ALL the facts for public scrutiny. The journalist's primary obligation is not to

express feeling but to provide a forum for diverse viewpoints. This is exemplified by the reporting of the Watergate Affair which one panelist described as an "example of strong journalism and hard-digging journalists." The press must not let anyone get away with any crime and, as Lawrence Barrett (senior editor of Time Magazine) stated, "must continue in their traditional role of being rambunctious, sassy, and not owing allegiance to any office." In the panel's opinion, it appears that the President's speech of last week served to restore the public's confidence in the press and in their ability to get to the truth.

Overemphasized

Journalism is essential to the political decision making process. As such, every issue must be presented in an unbiased manner so as to afford each reader the opportunity of forming his own, independent opinion. Several panelists felt that liberal viewpoints have been given too much emphasis and coverage. With 60% of the population viewing the three major television networks, and with only three major newspapers in New York City, the question of selectivity becomes one of major consideration in presenting news which is not biased, prejudiced, and opinionated. Opinions must be diversified and not presented in the monolithic approach.

Panelists Split on Privilege

Of the six panelists involved, four seemed to accept the limitations on a reporter's privilege as expounded in *Branzburg v. Hayes*, while the two other panelists felt that the privilege should be somewhat analogous to the lawyer client privilege. A reporter's sources are more important

to him than any other tool he has available. But the majority of the panelists felt that although the government's ability to subpoena is capable of being abused, a reporter with knowledge of a crime that is relevant to prosecution, must be willing to divulge what he knows.

The minority panelists expressed the view that informers are not going to continue to be as free with their information, knowing that at some later time the informed reporter might have to divulge his source. As an investigative reporter for the New York Times commented: "A good story is worth doing time for." In order to maintain relationships with news sources, reporters must protect their information channels.

In Gabe Pressman's opinion: "Reporters must challenge, must seek out, and must accept all responsibility."

Phi Delta Phi

(Continued from Page 4)

footwork. A combo comprised of members of Country Joe and the Fish, the Blues Project and Bob Dylan's group provided an exciting backdrop.

The Magister, Pat Carney, and Vice Magister, Linda Nelson, were honored with inscribed gavels by Judge Froessel and Professor Setaro. Professor Silverman, a former Professor of the Year presented an inscribed plaque to Professor Setaro in recognition of his untiring efforts and concern for the students of NYLS and Dwight Inn.

New Officers introduced were: Vincent Smyth, Magister; Kenneth Gracie, Vice Magister; Louis Milkowski, Exchequer.

Book Review

You and Your Landlord

By Ron Goldfarb

Do you know what Maximum Base Rent is? It's part of local law No. 30 and was meant to equalize rents on rent controlled apartments. It's a ludicrously complex system and even Super Tenant does not make it crystal clear. However, the book does an admirable job of clarifying other concepts.

The book was written specifically for New York City residents and that is one of its strong points. You don't have to wonder if the precedents cited are applicable.

A quick trip to Shepards and you're all set to intimidate your landlord. Or are you? The authors, recent N.Y.U. Law graduates, stress the cases that support the tenant and sometimes ignore or give short shrift to cases holding the other way. Since most of the cases are Civil Court or Supreme Court decisions, the borough or department the apartment is located in may be quite important.

Many of the cases cited are in Casner and Leach or in the "outside cases" for Property 1. It was really quite gratifying to see these cases used to solve real problems. As a "do it yourself" book, the test of its success is how much help it gives. I asked nine friends (not law students) to relate a problem that they were having with their landlord. Seven replied, and we were able to find a case or statute on point in six of the cases.

Super Tenant, John M. Strinker & Andrew O. Shapiro, 268 pp., \$2.95 paperback original.

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A Little Drop Of Watergate

Nixon Eats Crow And Slings Mud Too!

Renee Sacks

President Nixon has learned much from the Chinese acrobats that have been visiting our country. On April 30, 1973, he vouchsafed to the nation a demonstration of unparalleled gymnastic ability by showing that it is possible to eat crow and sling mud at the same time.

Nixon ate crow because he had to admit publicly what many accuse him of having known privately for a much longer time: that those men who were close to him, whose innocence he had defended, were involved in the Watergate scandal; that the Washington Post, which his administration had been busy pillorying as "irresponsible," was right, and he, Nixon, was wrong. He apologized to the Post specifically and the press in general and asked them to criticize him whenever they thought he was not doing the right thing.

But the "old" Nixon was very much in evidence on that night. After urging the nation not to judge those who were mixed up with the Watergate scandal too harshly, ("It is essential that in reacting to the excesses of others, we not fall into excesses ourselves.") He went on to characterize the Watergate break-in as something that "may have been a response by one side to the excesses or expected excesses of the other."

To what is Nixon referring? What excesses had the Democrats committed or were they about to commit? In 1972, the Democrats were deeply divided among themselves; their campaign was poorly financed. An objective observer might well conclude that the Democrats' difficulty was a paralysis of action rather than the excessive action.

The excesses of the campaign reveal themselves to have been very much on the Republican side. After all, no paid Democratic spy stole stationery from Nixon's headquarters in order to forge a letter to the press accusing Spiro Agnew of a kinky love life.

Just what, then, were those Democratic "excesses" so darkly hinted at but never specified? One can only conclude that Nixon, as many people do when confronted by a complicated and

difficult present, fell into a nostalgic mood. The comforting past danced before his eyes: those wonderful '50's, those simpler times when the old verities stood, the old magic formulas worked, and the most magical formula of them all was the smear technique.

So it is not surprising that at this crisis, Nixon reached into the past for a weapon with which he always felt comfortable, and thus the nation was treated to a Nixon innuendo in its purest '50's form.

"Ah, Child," my wise old friend Mr. Dooley used to say, "Sure the Democrats and the Republicans are all terrible thieves, but when the Democrats steal from you, the next day you find them at the best restaurant in town or at a fine fancy house."

"But the Republicans! They steal from you, and the next day, they hold a prayer meeting!"

The Republicans have always been specialists in sanctimonious knavery. Richard Nixon is one of the last public figures to pay lip service to a kind of heavy, outmoded Victorian-style morality. It is a style that pretends that moral decisions are restricted to only one area — sex.

Yes, in Victorian times it certainly was easier to be a good person than it is now. The definition was less complicated.

All you had to do was to observe, at least in public, a certain code of behavior vis-a-vis the opposite sex. Admittedly, the rules were stricter than they are now, but think how much more freedom people had in all other areas. They were free to exploit their workers and were praised for doing so. They were free to discriminate openly on the basis of race, religion and national origin when it came to hiring people. They were not forced to give any money to support public welfare because, according to the then universally subscribed to Calvinistic tenets, it was a man's own fault if he were poor.

People say that Watergate happened because of "permissiveness," because we have fallen away from the "old values." But Richard Nixon is the self-proclaimed champion of these "old values." Yet Watergate happened.

Richard Nixon took time out to oppose abortion when the matter was before the New York State legislature. He tried to hold the line on another "old value." He interfered in the affairs of a sovereign state, though he is generally very tender about states' rights in other matters. Yet Watergate happened.

Richard Nixon surrounded himself by men who upheld the "old values." Haldeman and Ehrlich-

man are certainly not exemplars of the new permissiveness. They neither drank nor smoked, but, if their publicity is to be believed, were devout Christian Scientists. Yet Watergate happened.

The Nixon administration introduced legislation aimed at curbing the amount of sex that has recently made its appearance in both movies and live shows. Yet Watergate happened.

The Nixon administration also impounded \$18 million earmarked for Indian education, because, it said, the funds were "duplicative" of other monies. It also cut back spending on social welfare services for the aged, for the handicapped, for the ill. It cut back day care. It is phasing out the O.E.O. which it deems unnecessary. Inflation is running away; the cost of food is causing great hardship to many Americans. We ask what is being done about it.

Like people who are tone deaf and cannot hear music, the present administration seems deaf to suffering and cannot respond to it with compassion. Yet they cheer for the "old values."

Puritanism has been defined as the fear that somewhere someone may be happy. Thus it can be seen that morality and puritanism have less to do with each other than one might think.

Haldeman and Ehrlichman prove that immoral puritans can exist. All it takes is a sincere dislike of pleasure. Morality is a harder concept both to define and to achieve. In the first place, it calls for affirmative, not negative action.

Morality calls for us all to play an active role in ending the suffering of our fellow men.

What caused Watergate is not a falling away from the old rather dubious values of puritanism. What caused Watergate and what will cause other Watergates is this administration's inability to embrace firmly and with determination the timeless moral values of attempting to end suffering and poverty. The needs of Americans give way more and more before the demands of special interests.

If people say moral bankruptcy caused Watergate, it is in the sphere of social action that they must look for this bankruptcy. Legal abortions and dirty movies did not cause Watergate. Indifference to suffering, lack of sympathy and understanding for the legitimate aspirations of many of our people and an excessively tender coddling of special interests at the expense of the rest of us did.

All the prayer meetings in the world can't put Watergate back together again.

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Comptroller Candidate Harry Goldin Calls for Low Taxes, Better Services

State Senator Harrison J. Goldin is independently seeking the Office of the Comptroller of the City of New York. Senator Goldin is a Yale Law Graduate, has served in the public sector in the U.S. Justice Department, as well as in the private sector. He is presently serving his fifth term in the State Senate. He is a member of the State Finance Committee and the Civil Service and Pension Committee. He presently heads the advisory task force established by the NYC Charter Revision Commission, on municipal fiscal affairs. He is also the ranking Democrat on the Senate Mental Hygiene Committee and is a member of the Education Committee.

By SAL BATE & JIM PAGANO

State Senator Harrison J. Goldin called a press conference for the members of the student press at his campaign headquarters and made the following statement:

"I am running for the Comptroller in the Democratic Party Primary because I believe that the dominant theme which confronts the government today is the need to demonstrate that we can take the tax resources and the assets that we now have and leverage and stretch and derive more from them without always going back to the public and saying that we either have to cut services or raise taxes. Because I have a background and experience and training in the field of finance, both in the public and the private sector, I believe that I have the necessary record and experience to perform that function which, as I have indicated is, to my mind, a great single challenge confronting government today. I want to be part of an effort to reverse the public mood, to make the public willing again to give government the prerogative that it needs to deliver services and I am excited about the challenge in that regard, in being the next Comptroller of the City of New York."

Although the Senator was a few minutes late, his press secretary and his lovely wife, Diana, answered questions posed by the four of us in attendance, which included a radio man from Queens College, and a newsman from NYU. The general theme of the campaign is to give better and increased services without raising taxes. The Senator felt that as a result of poor planning, the City was required to borrow money and as a result, incurred an interest of 12 million dollars, with which, as he illustrated, the

city would be able to hire 600 more policemen. If the city could cut down the time in which it takes them to pay their bills from the present 57 days to an average of 10 or 12 days, the city could save 8 million dollars a year in interest. If the city were able to pay on time, we would enjoy the benefit of the cash discount, i.e., 1% to 3% on 800 million dollars a year in expenditures. Finally, quality suppliers of goods and services, who do not want to deal with the City, because of the its delay in payments, would be attracted back into the competitive bidding, i.e., better goods and supplies.

When asked if he was suggesting that the city be run like a business, the Senator replied that business desires to realize a profit, the government is interested in maximizing the services without increasing the costs, which ultimately are pushed onto the citizen. The bureaucracy is at fault for some of the waste and a reorganization of the auditing system in the City, to "provide for a continuing, ongoing, decentralized audit within all the departments of the City, would tend to catch much of the waste, the theft, and the dissipation, which frequently goes undetected until after the fact."

EXPENSES RISE 12%

"We have identified a chronic, endemic problem in this city, relating to a kind of secular growth curve in expenses year after year as a result of inflation, mandatory cost increases, formula rises, etc.," at a rate annually of 12%. Revenues rise 8% annually. Therefore, he proposes to maximize the resources that we presently have. His problem will be to obtain once again the confidence of the people, who have in the past seen their tax dollars wasted, have seen the President cut back on public welfare programs, i.e., housing, education, health, "very largely and tragically with the consent and concurrence of the Governor."

As to the municipal unions, he feels that the so-called "compensation package," — i.e., wages, retirement, health, vacation — must be viewed in totality, in order to determine its fairness. The

employer must maintain a firm stand in dealings with the unions for the interest of the people of the city. As to the "Rainy-Day Fund," he feels that it has been used as "a fiscal Gimmick." Its purpose really is to meet shortfalls in revenue, on an emergency basis. As comptroller, he would make sure that it would be used for the purpose for which it was intended.

Some other proposals would be hopefully taking this revenue away from organized crime, and earmark the money for transit. Also, in his position paper on city debt management, he suggests selling city bonds in smaller denominations than the present five figure blocks or denominations, thereby putting them in reach of individual investors. It would benefit the individual, the city would find a new market of revenue, the city would lessen its dependence on bankers, and with individuals owning a piece of their city, it would renew their interest in the management of the city.

Goldin is the first candidate in a city-wide election who has called



Sen. Harrison J. Goldin

a press conference exclusively for students, and only four people attended. This is a sad commentary on the student press. Also, it bears re-emphasizing that NYLS was the only Metropolitan Law School represented there.

King Nixon III?

We must realize that today's establishment is the new George III. Whether it will continue to adhere to his tactics, we do not know. If it does, the redress, honored in tradition, is also revolution.

Justice William O. Douglas
Points of Rebellion



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