Profile of the NYLS Criminal Defense Clinic

You approach a law student who sits hunched over coffee and a bagel at a table in Gils. You curiously inquire how she is feeling on this fine, sunny spring morning. Then you listen to a litany of exhaustion and overwork that makes you wish she had stayed in bed.

You are not surprised to hear that the student is working harder than she ever has in her life, she really means it. She is working harder than she ever has in her life, she really means it.

The Criminal Defense Clinic, according to the official description, is "a closely supervised internship in client representation and courtroom litigation." The clinic is supervised jointly by Professor Eugene Cerruti and Clinical Professor Lloyd Epstein. Professor Epstein came to NYLS in September of '82, a graduate of the New York University Law School's criminal defense clinic, and of four and a half years litigation experience with Legal Aid.

Professor Epstein emphasizes that the clinic is of great value to any student interested in litigation, not only those planning to do criminal defense work. The clinic gives students exposure to all court proceedings, from arraignments, plea bargaining, negotiating pleadings, motion practice to trial and possible appeal.

The fully prepped student is then assigned cases, usually misdemeanors that are referred to the clinic from Legal Aid. The clinic handles up to eighty cases a year. Most are disposed of without going to trial. The students will prepare motions, represent their clients at arraignments and where necessary, negotiate pleadings.

One of the great benefits of the clinic is the intense motion practice in which students engage. Here, as Professor Epstein put it, a student who has been taught only to write in "law review style" must learn to write as an advocate in a court. There is a great difference in style. Professor Epstein calls this "written advocacy."

This year the members of the clinic had several opportunities to take cases past the pleading stages. They handled two felony trials and a suppression hearing. After each of these proceedings the students were highly praised by the courts for their preparation and general professionalism. Professor Epstein pointed out that the clinic students have one advantage over outside legal counsel in that they do not have as large a case load and can devote more time to each of their cases.

There are currently 14 students in the Criminal Defense Clinic. These students were chosen from among fifty applicants. The lack of space for all the students who would like to benefit from this clinic's unique program is a continuing problem. Professor Cerruti explains that clinical instruction is a particularly expensive form of legal education.

The clinic has recently lost a substantial portion of its operating funds due to federal cutbacks. NYLS has replaced the funds lost, but has not provided extra funds for a larger staff so that the clinic could expand.

Wendy B. Berman

Under the Special Student Procedure Rule of the New York Appellate Division, 1st Department, students may represent clients in all court proceedings. There are two conditions under this rule. Students must be directly supervised all the times that they are representing clients and they must receive a minimum number of hours of intensive training in trial advocacy. Students commit themselves to the clinic for a full academic year. During that year they are provided with a continuing intensive course, which includes lectures, films, demonstrations, workshops and mock trials, designed to prepare them in the mechanics of the criminal courts, criminal procedure, the techniques of trial advocacy, client interviews, negotiations with prosecutors, etc.

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On Friday April 15, students from New York Law School presented their annual Law School Revue entitled "The Final Days"; it was a light-hearted spoof of Dean Donny's (played by Justin Levine) last days as dean of a prestigious law school - he was assisted by his voluptuous Angels (Sharon Lynn Silver, Anita Wilstein, and Joyce Mark). The production was entirely conceived and organized by students. Larry Gershberg was the director, and the executive producer was Aaron Friedman. Music was provided by the "Not NYU Orchestra" ably led by Charlie Sanders with Jackie Bianchi, Phil Meltzer, Alan Sanders, Eric Schwedok, and Robert Smith. The play lasted over two hours and consisted of eleven different skits.

Some of the highlights of the evening included: a take-off on the Supreme Court with Cyril Means (Jon Gartner), Justice William Rehnquist (Michael Greiffinger), Justice Thurgood Marshall (Cornell Edmonds), and Justice Sandra Day O'Connor (Kathy Mahan and Evelyn Smith) - who admirably sang "Look At Me I'm Sandra Day," the Law School Bowl between NYLS and Harvard (Stuart Mack, Elizabeth Ronson, Daniel Greenberg, Yvonne Jacobs, Oscar Michelin, Cornell Edmonds, and Paul Fronen), "Big Mac" with Bob Smith and the svelte dancing girls (Leslie Lippton and Evelyn Smith), and Professor Robert Blecker who played a rousing rendition of "Gloria" on the spoons - to name just a few skits.

Special thanks go not only to the director and executive producer but also to the assistant producers Jon Gartner and Pat Granna, head writer Peter Glase, and the whole writing staff, the stage crew, every cast member, stage manager Cindy Kouri, Dean Margaret Bearn, Dean Graham, and the entire NYLS community for their enthusiastic support and for helping to make the show such a wonderful success!

Dear New York and New Jersey 1984 and 1985 Law Graduates:

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Joseph Audick, Esq.
Eastern Regional Director
Josephson BRC and Marino-Josephson/BRC

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A PRACTICAL APPROACH TO OBJECTIONS

By Betty A. Lasiun

"Painfulness and gravity of hearing is an essential part of justice, and an experienced judge for all jury work is no well-tuned cymbal." Bacon's essay "Of Judicature."

In our adversary system today, there is a lack of decorum among lawyers and judges in courtroom proceedings. One of the outstanding factors in this problem is the distractions caused by excessive, irrelevant and unnecessary objections made by attorneys in the courtroom. Objections fragment and often interrupt the pace of a trial. Any objection is apt to make an unfavorable impression on the jury, or at least some of the jurors. The "The trial lawyer who constantly explains "I object," without reason or rule for his objection only among the judges, and frequently indicates a lack of knowledge of the rules of evidence.

It is the attorney's function to determine matter of strategy. For example, the lawyer decides when to place a case on the calendar, whether to cross-examine witnesses, and the extent of each examination and what type of opening or closing statement he should make. It is also up to the attorney to decide if or when objections should be made.

Objections, when properly made, can be constructive and persuasive, however, excessive and inappropriate objections are disruptive, burdensome and extremely annoying to jurors and judges as well as other attorneys.

More importantly, an attorney who constantly objects to every slight instance of lifting, irrelevant and unnecessary objections, not only distracts the jury and the whole courtroom, but also impairs his chances of winning the case. An attorney's constant interruptions will engender resentment and animosity from the judge. Furthermore, such conduct may elicit the judge's unfair sympathy for the opposing attorney and thereby prejudice the outcome of the objection to the judge's case.

Judicial proceedings should be conducted through dignified and orderly manner in order to protect the rights and interests of all parties. Although a lawyer has the duty to represent his client zealously, he should not engage in any conduct that offends the dignity and decorum of proceedings.

The purpose of an objection, generally, is to allow counsel to express disagreement of some circumstance or proceeding, to limit the consideration of the facts to the jury and to limit the statement of law to the court. An objection must have a basis in law or fact so that counsel states the reason for the objection, that the lawyer will know the sufficiency of the objection, the opponent will be given an opportunity to correct the error, and the appellate court will have a basis upon which to weigh the merits of the objection if the case is appealed. In addition, objections should be specific, concrete and definite, since a ruling of "sustained" or "overruled" is meaningless and ineffective. Furthermore, objection was too general, and, without rhyme or reason for its objection, such examination and what type of objection may be general or specific. For example, a lawyer decides when to place the case on the calendar, whether to cross-examine or sentence, unless the opposing counsel finishes the question or sentence, unless the opening words of the question or statement are patently objectionable. Next, the objection attorney must rise to his feet, object, and state the grounds for the objection. The attorney making the objection must remain standing until the court rules on the objection. The opposing counsel, may, in turn, make any counter-arguments to the objection. Then, both attorneys must wait for the judge to rule on the objection before the trial can continue. The objecting attorney should be courteous to opposing counsel or the witness. Counsel should never argue with the court. He should make his objection, counsel should be courteous to the opposing attorney and to the court. An attorney should preserve with timely and reasonable objections all adversarial action by the court, opposing counsel and other parties. He should be alert and eager, but not antagonistic or disagreeable. Belligerent or ungentlemanly attitude is unnecessary and improper. Even though clients, as litigants in adversary proceedings may have ill feelings, the court should address the court. The court should have make remarks during the presentation of the opposing argument or while remaining seated.

During argument, counsel should at all times direct his remarks to the court, not to opposing counsel or the witness. Counsel should never argue with the court. He should make his motion for a desired order or ruling, and take exception to an adverse ruling or a refusal to rule.

In making his objections, counsel should be courteous to the opposing attorney and to the court. An attorney should preserve with timely and reasonable objections all adversarial action by the court, opposing counsel and other parties. He should be alert and eager, but not antagonistic or disagreeable. Belligerent or ungentlemanly attitude is unnecessary and improper. Even though clients, as litigants in adversary proceedings may have ill feelings, the court should address the court. The court should have make remarks during the presentation of the opposing argument or while remaining seated.

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To the Editor

It is difficult for me to express the feelings I had after reading Mr. Conchat’s “The Complaints Bureau.” While he may have had some valid complaints, his manner of expression did little to enhance his credibility. The columns were more suitable for publication in The National Lampoon than in Equitas. Mr. Conchat’s “I am a dweeb” was a dumbercize to himself and to the students whose Interests he alleges to represent.

Sincerely,
Keri M. Harroz
Assistant Director of Financial Aid

Mr. Arnold Graham, Vice Dean
Mr. Phil King
New York Law School
27 Worth Street
New York, N.Y. 10013

Dear Sirs,

I wish to express my thanks to you and to the administration for having opened the few-schools private parking facility to students affected by the current transit strikes. This generous response, so in way required of you, is greatly appreciated.

Most of us go through heroes to reach the city as a result of the strike, and on some days carrying the entire load of books while trying to cope with off-hours Public transit is just too much. Of those long days, I driven and use the bus. Sincerely,

Dean C. Hurley

1982 award winner

EQUITAS
New York Law School

Dear DeeAnn Delgado, Michael Greifinger and staff,

You have a very good publication, filled in-and-out and extra-curricular information that would be interesting to the average student. Congratulations to all staff members whose time and effort have helped to make Equitas a success.

I have enjoyed reading Equitas and hope to have the opportunity to do so again next year. Keep up the good work.

Sincerely,

Judge, ASPA, 1982

Equitas is proud to announce that it has won the first place award in the American Scholastic Press Association contest. We at Equitas are proud to see all our efforts rewarded with this honor.

Co-Editor-in-Chief: Lisa Bravo and Evelyn Smith
Copy Editor: Yvonne Jacobs

EQUITAS is pleased to announce that the following people have been elected to the 1983-84 Board for 1983-1984

Lisa Bravo and Kwesly Smith
Joanne Zervas
Sharon Silver
Michelle Markowitz
Glenda Calander
Ingrid Levine
Yvonne Jacobs
Justine Lewis
Glenda Calander

Congratulations & Welcome Aboard

A PRI L ISSUE

New Board for 1983-1984

BOARD OF DIRECTORS

Michael S. Greifinger
Dean C. Hurley

President

Michael S. Greifinger

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Congratulations & Welcome Aboard

B Y Susan Cardia

Examination anxiety wasn’t enough.
Grade anxiety has swept N.Y. Law School!

How quickly the news spread:
The Civil Procedure grades were posted.
The big decision: to go, or not to go?
I decided to go.
Standing in front of a list full of numbers and letters which no one mine.
Not remembering my exam number.
Only a few digits.
I narrowed it down to two grades.
Do we couldn’t possibly me. Could it?
What would it tell my family?
I could always have the country.
Should I go to the registrar’s office and get my exam number?
I did.
I am not leaving the country.

Sitting in G50:
The topic of conversation: Alternative careers.
I was contemplating opening up a Susan’s Cookies
Like David Cook
I make a great oatmeal raisin chocolate chip mix cookies!
Really I mentioned that Bob was interested in buying.
He would look cute in a shirt.
The location was filled with anxiety and fear.
Should we be in law school?
Should we be at least upon graduation?
It is nice to know grade anxiety is something to be shared.

A PRI L ISSUE
By Michael Greffinger

it is very difficult to write a good-bye column. In my three years at NYLS, we have gone through many changes. The things which seemed so vital then, seem so insignificant now. I have composed this column in my mind many times in the course of the past few months. What the column is about is contained in its title—"30"—which means to the typographer and proofreader that a story has ended and no more copy will follow. It is never easy to say goodbyes. I would like to say my farewell without, I hope, getting too maudlin.

During my time at NYLS. I knew that there are many problems that have to be worked out, but through it all, I still had good times. The years here have been among the most stimulating in my life. This does not mean that they were all pleasant, but only that I have changed. I am not the same person who arrived three years ago. This change has come about predominantly through interactions with the people here.

I have NYLS with very mixed feelings. First, there is the feeling that my legal education has been reasonably sound, and that I have the tools with which to succeed in the real world. Second, some sadness over graduation, and the thought of people I enjoy who won't be as accessible anymore. Third, concern for the people here.

I look back and come to the conclusion, as have I, that my overall experience here has not been entirely positive. I've had some great experiences here. The years here have made tremendous strides in the past few months. What the new administration should help to put back on the right track, but we can't forget that its students who could make important contributions to the growth and development of NYLS. If they are encouraged to do so as students, many will continue their work as alumni. The next few years will show whether the changes made over the past seven years have accomplished anything.

To my successors at Equitas, I am confident that you will carry out your role at NYLS in the tradition of those who came before you. I really believe that when all is said and done, you will look back and come to the conclusion, as have I, that Equitas was your greatest newspaper was your greatest challenge at law school.

Special thanks has to go to Dean Shapiro, who could have, but didn't, crush Equitas when it was at its nadir. Given the opportunity to survive, we took Equitas from oblivion to an award winning newspaper once again. I hope to come back to NYLS from years now and see Equitas scattered around the school, that I believe, is the paper is equally important to our education as law students. So to the throngs of 1984, 1985 and 1986, I urge you to join the staff of Equitas and work hard and reason prevailed against the Board when I say that one of my greatest challenges at the law school was the decision to establish Equitas as a 'non-profit' newspaper once again. Our reputations and ability to be effective were challenged, we anticipated a difficult time and were not disappointed. However, we quickly secured a printer for a reasonable price, solicited articles and sold advertising to cover our costs. The means to remain independent and exercise a strong voice in the New York Law School community was insured. Important principles such as the First Amendment was defended, and reason prevailed against the wishes of many who selfishly desired our demise. I can only say that there is great personal pride and satisfaction in the knowledge that Equitas survived admirably, and is perhaps stronger than ever. I feel proud to have been a part of it. As I feel honored to be a New York Law School graduate. This school is a vehicle to accomplish one's educational and professional aspirations. It affords an opportunity, that if carefully utilized, represents a mode for upward mobility, prestige, and status. Certainly some of those will come easily, nothing thus far and, nothing worthwhile ever does. New York Law School, although not providing a guarantee, offers the chance. Too often, for too many of us, the administrators are not our needs. This has not been my personal experience but represents a legitimate concern, which can be corrected. The faculty at New York Law School is exceptional; both in full time and part time professors. Their expertise is needed, and the students deserve mention; their knowledge and expertise are invaluable. We are fortunate to have such a distinguished faculty. I am certain the new professors will be equally as competent. I only hope though that serious consideration will be given to the hiring of new Hispanic and Black professors. We are one of the nations leading schools in minority enrollment and this should be reflected in our faculty. There are numerous qualified candidates.

Another important time is that New York Law School needs a yearbook. I am raising the issue, but the administration has not seen the need. The value of a yearbook and how it would serve the students by providing a diary and preserving memories in priceless photographs. The New York Law School community would be greatly enhanced by such a publication.

New York Law School is a unique institution. Its student body is diverse and represents of our society. Its location is uniquely situated in the heart of the financial and legal world. Its reputation is respected and continues to grow and rival our strongest competitors, it offers endless possibilities. This law school has a spirit which will never appear on any balance sheet of its students. They are a wealth of resource and potential. New York Law School is a vehicle to accomplish one's educational and professional aspirations. It affords an opportunity, that if carefully utilized, represents a mode for upward mobility, prestige, and status. Certainly some of those will come easily, nothing thus far and, nothing worthwhile ever does. New York Law School, although not providing a guarantee, offers the chance. Too often, for too many of us, the administrators are not our needs. This has not been my personal experience but represents a legitimate concern, which can be corrected. The faculty at New York Law School is exceptional; both in full time and part time professors. Their expertise is needed, and the students deserve mention; their knowledge and expertise are invaluable. We are fortunate to have such a distinguished faculty. I am certain the new professors will be equally as competent. I only hope though that serious consideration will be given to the hiring of new Hispanic and Black professors. We are one of the nations leading schools in minority enrollment and this should be reflected in our faculty. There are numerous qualified candidates.

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A few years ago I sat in a surgeon’s office. It was our last consultation before I entered the hospital and surgical procedure. When I left I was still not sure about what I had been through.

In the hospital, the night before surgery, my internist, who had referred me to the specialist surgeons, came to speak to me. I was frightened, still not sure about what I had been through.

He'd better come and prepare me because I hadn't asked about them. I wondered why my surgeon had not told me of these things. I hadn't been prepared for them, I would have been devastated had I not been prepared for them. I wondered why my surgeon had not told me of these things.

Suddenly, as I was sitting there, I realized that he hadn't mentioned these things because I hadn't asked about them! He answered all my questions.

The administration at NYLS is changing, and I know that part of these changes have been aimed at re-evaluating the school's policies and purposes. I hope that the new administration will reconsider what I call the "best" theory of law school, where students are thrown into an extremely competitive, highly pressured environment with a minimum of orientation, to see who will sink and who will swim.

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I'm sure many of you will enjoy this column here. It's been a pleasure to take the time you know, so I'll end my deadline you know, so I didn't stay overnight, I didn't know the right questions to ask.

Throughout my years at NYLS, I have often felt that the school administration is like that of a surgeon. The law school experience seemed designed only for those who had planned to be lawyers all their lives, knew what they were going to specialize in, or even if they had been pre-med students, had the kind of undergraduate experiences that would prepare them for the intensive academic structure. There were no resources for people like me who were totally new to this sort of academic scene.

My undergraduate degree is in studio art and theatre. I hadn't taken a formal exam for ten years before entering law school. I had rarely sat in a classroom. I had only written three research papers in my whole life, and the idea of becoming a lawyer hadn't entered my mind until a few months before I came here. There are many students in my situation with variations of my story. I didn't know how to study, what I wanted to specialize in, or which courses and extra-curricular activities would be important to my future.

Thomas Carr, Donna Lieberman, Ronanas Sullivan, Jose Muniz

HARLAN

Moot Court Association

ASKING THE RIGHT QUESTIONS

Wendy R. Berman

Features Editor

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APRIL ISSUE

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ENDNOTES

THE KASS PROBLEM ANALYSIS CLINICS underwent an actual session on the Bar Exam.

Baskets for all occasions made to order.

The great pleasure in life is doing which others say you cannot do.

(Continued from Page 1)

We have come a long way since all of the turmoil of the past year-end. We would like to thank all of the Deans, faculty and students who stuck by us during the "hard times." We know that each and every one of you brought the tradition of excellence set by Equitas since 1969.

(Continued from Page 1)

Therefore, Professor Correll, who founded the clinic in 1977 and continues, at the same time to maintain a teaching schedule, and Professor Epstein have the advantage of teaching a very small group of students from among whom many would greatly benefit.

Professor Correll says that they don't consider academic per- formance such as grades when choosing clinic members, but look for a mental interest in going into litigation. This interest may be exhibited in activities before and since entering law school.

Clinical programs, especially those as active as the NYLS Criminal Defense Clinic give students an expertise and training in the actual day by day duties of legal advocate which no classroom experience ever can. Perhaps the administration should consider more seriously the value of giving substantially to the legal community and people in general all legal counsel of the type of training which will be the most competent advocates.

This year's Phi Delta Phi Annual Awards Dinner was held Wednesday, April 20th, at the landmark Waldorf-Astoria. The faculty member specially honored this year as the Ira Stone Professor of the year was Professor Gerald Koringold. Also honored at the dinner was Ms. Betty S. Maabu and Mr. Jerry Fiinklestein, Publisher of the New York Law Journal. Mr. Fiinklestein's son, James, accepted the award for his father.

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BAR EXAMS AREN'T LIKE LAW SCHOOL EXAMS knowing how to analyze complex essays, correctly combining several fields of law, and writing coherent, logical and consistent answers therein, may make the crucial difference in passing the Bar Exam. Why not get the help of the 1982 Bar Exam questions before the July, 1982 Bar Exam? Thousand s of students, for past 30 years, have been gratified by that approach and analysis and methods taught at the KASS PROBLEM ANALYSIS CLINICS were essential in passing the Bar Exam.

Six successive sundays, starting June 12, 1983, from 1 to 4 P.M., at the N.Y. State Bar Exam, 50th Street and 4th Avenue, N.Y.C. TURNOVER FEE: $150.


NYL AGENT - JANE STACK

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267-7362

Swannah Liquors, Inc.
New York and Multi-State Courses

BAR/BRI
BAR REVIEW

Attention Third-Year Students
Join the Bar/Bri Superstars
Visit the friendly Bar/Bri Reps
located in C Building Lounge

Bar/Bri Reps at NYLS:
Head Reps:
Gary Smoke
Tyrone L. Logan

Carol Dancy
Tom Bryant
Regine Dely
Hope Douglas
Leonard Fasano
Lori Udelson
Jonathan Symer
Miguel Fittipaldi
Frank Scagluso
Charles T. Richard
Betty Konopko
Barbara Rowdow
Sandra Harris
Maria Paoli
Joan Bocina
David Newfeld
Mitchel Krouse
Hayes Young
Lisa Murphy
Allen Parker
John Petition
Stephanie Stricker
Lisa Bravo
Kenneth C. Suria
Betty A. Llantin

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