

4-30-1975

Equitas, vol VI, no. 6, Wednesday, April 30, 1975

New York Law School

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New York Law School, "Equitas, vol VI, no. 6, Wednesday, April 30, 1975" (1975). *Student Newspapers*. 124.
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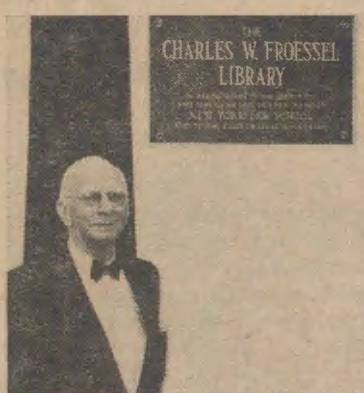
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Bench, Bar, Politicians Honor Froessel at Dedication

Dozens of judges, many of them alumni of New York Law School, and some wearing judicial robes, turned out Wednesday, April 16, along with Mayor Beame and City planner Robert Moses to participate in the dedication of the NYLS's Charles W. Froessel Library at 57 Worth Street.

The library holds the School's statutory collection — some 10,000 volumes containing the statutes of all fifty states and the Federal Government.

The principal addresses were



The Honorable
Charles W. Froessel

delivered by Mayor Beame, Mr. Moses, in one of his rare public appearances, and Charles D. Breitel, Chief Judge of the Court of Appeals, the bench on which Judge Froessel formerly sat.

Judge Froessel, honorary chairman of the board of the School, was honored with a plaque that will hang in the library named for him. The plaque lauds him for his dedication to the School and to the cause of legal education.

In exchange, Judge Froessel turned over to E. Donald Shapi-

ro, dean of the School, and John V. Thornton, chairman of the School's Board of Trustees, a gavel that he used during his service on the Court of Appeals bench which lasted thirteen years.

For Judge Froessel, who is 82 years old, his return to New York Law School was similar to returning to a familiar home. He entered New York Law School as a student in 1911, was graduated in 1913, and then served the School as librarian from 1913 to 1914.

His first judicial service came in 1937 when he went on the old City Court bench, now the Civil Court. From 1938 to 1949 he was a Supreme Court justice; and from 1949 to 1962, associate judge of the Court of Appeals. During this period, from 1951 to 1956, Judge Froessel was a trustee of New York Law School. In 1957, he became chairman of the board, a post he held until his retirement in 1972.

He served as a professor at the school, beginning in 1962,

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Vol. VI — No. 6

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Wednesday, April 30, 1975

LoPresti, Muller Win Top SBA Posts: LSD to Berger

by Elliot S. Horowitz

SBA Elections Week at NYLS has come and gone, leaving in its wake a new slate of officers duly chosen by the student electorate.

In the extremely close Presidential race Stephen J. LoPresti was elected with a plurality of votes. The new president, a Bronx-bred Fordham graduate entered the Evening Division of NYLS in September 1972. He was forced to leave his studies a few months later, having been called to active duty with the National Guard. In September 1973 he started school afresh, as a full timer in the Day Division. LoPresti's first encounter with Student Government was in high school, and never being one to remain reticent when constructive ideas were needed, he has remained involved throughout his student career.

The Vice-Presidential seat at NYLS is filled by the runner up in the Presidential race. Campaigning as a write-in, Dick Muller made an unsuccessful bid — albeit very close — for the number one spot, and hence will once again be serving in the capacity of Veep. Muller is intimately associated with the Theatre Arts. He has worked at various times as a Disc Jockey, Night Club entertainer, Actor and Director. He has authored



Stephen J. LoPresti

several plays (two of which are in production) and presently is Executive Producer of Actors Theatre, Inc.

The offices of Treasurer and Secretary will be respectively filled by Art Goldberg and Kim Taylor, both 3rd year evening students. Ms. Taylor, who served as SBA secretary this past year, ran unopposed.

Rounding out the slate, is the office of LSD representative, won this year by Lori Berger, a first year day student. Berger, who comes originally from upstate New York is a graduate of City College. She has traveled extensively and enjoys going to the theatre and concerts as well as biking and horseback riding. She does not skydive!

Jeffords Series Begins With Talk By Dr. Trechsel

by Arthur P. Fisch

The first Annual Walter M. Jeffords Jr. Distinguished Lecture Series was presented at NYLS April 1 through April 22. Dr. Stefan Trechsel, the Chief Prosecutor of the Canton of Berne, Switzerland and the first Swiss elected to the European Commission on Human Rights was the guest lecturer.

Dr. Trechsel spoke on three separate occasions in the newly decorated moot court room in the 57 Worth Street Building. His topics were: April 19, Proposed Swiss Bank Secrecy Treaty and Mutual Assistance in Criminal Matters, April 21, The Idea of a Fair Trial and Personal Liberty in the European Convention on Human Rights and April 22, Why Punish — A Comparative Viewpoint. Dr. Trechsel's wife, Professor Franca Trechsel, who is an Assistant Professor of Criminal Law at the University of Berne, spoke on April 22 on The Problems of Women Lawyers in Switzerland.

The interest of the audience was evidenced by the lively question and answer periods which followed each lecture. A panel of distinguished lawyers and in-



Dr. Stefan Trechsel
At first Annual Walter
M. Jeffords Jr. Lecture



L. to R. Bruce Torino, Ed Sanocki, Jim Tricarico, Glenn von Nostitz, and Kay Marcus.

Tricarico, von Nostitz Editors

Equitas Picks New Board

by Diane Iushewitz

With much pride and pleasure, Equitas announces the appointment of our new editorial board. Jim Tricarico and Glenn von Nostitz will assume the positions of co-editors-in-chief. They are both first year students, and have been invaluable as staff members this year. Glenn seems to favor writing, while Jim has worked on layout and production.

Jim came to us from Fordham, where he was a political science major and a member of Pi Sigma Alpha National Honor Society. He has worked as an editorial assistant for the magazine of New York Business, and last summer was an intern in the N.Y.S. Attorney General's Of-

fice. Glenn graduated from S.U.N.Y. at Albany. He held many posts on his school paper, worked for the Student Association of S.U.N.Y., and was active in campus politics. Glenn majored in both political science and history.

Three other first year students will join the new editors-in-chief as members of the editorial board. The three new executive editors will be Kay Marcus, Ed Sanocki, and Bruce Torino. Our new executive editors are both a well-rounded and well-traveled group. Kay went to school at Simmons College in Boston. She majored in sociology there and also worked for the State Attorney General. Ed has degrees from both the University of Michigan and the University of Tennessee. He has a masters in English and has taught freshman English at Tennessee. Bruce majored in psychology at Earlham College in Indiana where he was editor-in-chief of the yearbook. All three joined Equitas at the beginning of the school year and have made substantial contributions to the paper.

Paul Forster, who has been with Equitas since the fall of 1973, will become Business Manager of the paper. Paul has been active as a reporter, and was in charge of advertising this past year. Paul is also active in SBA and other school activities.

Alumni-Dean's Day May 3

by Ed Sanocki

On Saturday, May 3, New York Law School is holding its annual Dean's Day-Alumni Homecoming at Pace University, Pace Plaza, New York City. The program includes a festive luncheon and an open bar during the cocktail hour, which follows the luncheon program.

Professor Joseph T. Arenson has planned an excellent Surrogates' Court Panel to discuss

questions relating to estate practice and procedure. Besides Professor Arenson, other members of the panel will include: the Honorable Joseph A. Cox, former Surrogate, N.Y. County; the Honorable S. Samuel Di Falco, administrative Judge-Surrogate, N. Y. County; and the Honorable Paul J. Powers, Professor of Wills and Estates, St. John's University School of Law, former Chief of Law Department,

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Moot Court Competition: Students Vie for Nationals

by Glenn von Nostitz

The competition for membership on the NYLS National Moot Court team has begun. The first of three rounds of moot court debates started last week, as some twenty-four second-year students began to present their cases before student judges in the Moot Court Room on the third floor.

From this competition some sixteen semi-finalists will be chosen to participate in the second round of competition, to be held on April 28th and 29th. The eight winners of this second round will then go on to debate in the final round on April 30th, at which time the final team of two members and one alternate will be chosen. They will be presented to the school at the annual Law Day Exercises on May 1st, and will ultimately debate at the national level competition to be held in early November at the Association of the Bar of the City of New York. The "runners up" of the NYLS competition will become members of the twelve-person moot court board.

According to Moot Court Board Chairman Butch O'Connor, this has been the most successful year in the organization's history. The entire competition set-up for the national team has been expanded and completely revised. This is the first year that two separate competitions are being held, one in the fall for practice and the one now being held, from which the national team is being selected.

O'Connor also pointed out that the amount of student interest in moot court activities has increased significantly. The number of students involved in the organization has "nearly tripled" this year. O'Connor says he would like to see the organization expand even more next year, perhaps to the point where the Moot Court Board will take charge of running the research and writing classes offered to first year students, in exchange for academic credit.

Funding for the Moot Court Competition, as well as for other organization activities, is coming entirely from the administration, rather than the student activities fee. Students running the competition, as well as being active in the entire Moot Court organization include O'Connor, Nancy Ledy, Sandy Salter, Alan Page, Ron Goldfarb, Lemmy Whitman and Joe Messina. Debates are being held every day from 5:00 to 6:00 P.M., and all students are invited as well as encouraged to attend.



From Left to Right:
Basil O'Connor Nancy Ledy Sandy Salter

LSD Parley Meets Here, Hears Panel Discussion

by Diane Iushewitz

An animated discussion of the criminal justice system was the highlight of the recent spring conference held in N. Y. by the Law Student Division of the American Bar Association. The conference was attended by eight of the schools in the second circuit. It was organized by Ron Goldfarb, assisted by Alan Smilowitz, and held at New York Law School. Participating in the panel discussion were Judge Vito Titone (Supreme Court, Staten Island), Assistant District Attorney Al Gaudelli of Queens, and defense attorney and Professor of Law, Henry Rothblatt.

Each of the panelists spoke briefly concerning their own roles in the criminal system. Then students joined in, asking questions on everything from plea bargaining to summation. Although the crowd was not large, participation was great

and everyone seemed to enjoy the session.

After lunch elections were held. Connie Raffa of Brooklyn Law School was elected Circuit Governor. An evening student at St. John's, Ira Frank, was elected Lt. Governor. Business was concluded when the President of the LSD, Dave Erdman, spoke about Juriscan, the new computerized job-search program sponsored by LSD.

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Davis Says Students Wary Of New Clinics, Electives

by Anita Miller

As the time draws closer for selection of next semester's academic program, this writer did a superficial survey of New York Law's expanding academic offerings and student response to them. As a first year student about to exercise choice for the first time in planning a program, I decided to start near the top, interviewing Dean Davis concerning the School's philosophy of curriculum, in order to get an overview from which to plan my own legal education.

Dean Davis stated that the first year's required courses teach the new student to think like a lawyer. If one doesn't make it in the first year, the New York Law School faculty feels, one will never think like a lawyer. Having made short shrift of a large portion of the first year class, the Dean continued that those of us who are still around, having mastered that special art of thinking, by the second year should be able to go into any course, regardless of how abstruse and master it with comparative ease. Forty credits of the law curriculum comprise required courses; in order to fulfill the remaining forty-five credits needed for the J.D. degree, the student may choose from an ever-expanding catalogue.

The New York Law student may, in his or her second and third years, choose to play it safe, fortifying him or her self with an arsenal of courses guaranteed to bolster preparedness

for the Bar Exam. A random sampling of faculty opinion concerning courses necessary for adequate bar preparation ranged from a minimum of 22 credits of such courses, to a maximum of 31 credits, in addition to the required courses mentioned above. Depending on one's faith in Bar Review courses, that leaves even the most conservative student at least 14 credits with which to finally luxuriate in the enjoyment of "sheer education." Other students may feel confident enough to extend this luxury to 23 credits of esoteric electives and clinics.

New York Law is building an extensive program of elective and clinic courses. The clinics, in particular, should appeal to students in this period of few employment opportunities for graduating attorneys. They are an excellent placement device, if used well, since they offer both practical experience and contacts which may prove helpful.

To date, student response to clinics has been light, with the exception of those for which students must be screened by faculty for admission... the Federal [and State] Judicial Clinics and the Administration of Criminal Justice clinic. There are 13 students enrolled in the Poverty Law Clinic, 13 in the Legislative Clinic, 8 in the State Judiciary Clinic, and 9 in the Consumer Protection Clinic. Each one could probably comfortably accommodate 15 to 20 students. Students seem wary of committing the

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Obscenity Law Poses New and Complex Questions

by Jim Pagano

A Supreme Court Justice once stated that he could not define obscenity, but would know it if he saw it. With this in mind EQUITAS is attempting to define, or at least determine the New York definition of obscenity. This area of the law poses many constitutional, social, moral and administrative problems.

Pornography has received widespread acceptance in New York City; it is avant-garde to say that one saw the latest pornographic cartoon. No longer are X-rated movie theatres frequented only by the so-called "degenerate types."

With this acceptance have come problems in the interpretation of federal and state law.

Are they consistent? The problem of enforcement comes to the fore, especially because pornography is lucrative and because of underworld involvement. The apparent lack of clarity in the law poses additional problems on all levels of enforcement: police, district attorney, and the court.

The staff of EQUITAS examines the problem from many sides. What is the law? Who are the defendants? What are their rights? What are their defenses? Who administers the law? What is the police role? The D.A.'s role? The court's role? What is the interplay between the federal, state and city governments in this area? These are some of the issues discussed in the following.

Constitution: Issues Unresolved

by Joan Kalech

The First Amendment of the U.S. Constitution reads as follows: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

There are no exceptions inherent in the First Amendment; any exceptions are the result of Judicial construction. It is for

this reason that history and the intent of the framers of the Constitution and Bill of Rights remain important, even today.

The first time the question of the constitutional validity of legislation prohibiting obscenity was squarely presented to the Supreme Court was in *Roth v United States* 354 U.S. 476 (1957). The Court, in an opinion written by Mr. Justice Brennan, relied on the standards prevailing at the time of the adoption of the Bill of Rights to buttress its determination that the "unconditional phrasing of the First Amendment was not intended to protect every utterance . . . there is sufficient contemporary evidence to show that obscenity, too, was outside the protection intended for speech and press." Thus, the Supreme Court held that material utterly without redeeming social importance, obscenity, is not within the area of constitutionally protected speech.

But the huge problem of determining what constitutes obscenity still remained to plague the court.

The Roth test of obscenity was whether, to the average person, applying contemporary community standards, the dominant

theme of the material, taken as a whole, appeals to the prurient interest.

However, in *Jacobellis v Ohio* (The Lovers) 378 U.S. 184 (1964) and *Jenkins v Georgia* (Carnal Knowledge) — U.S. —, 41 L. Ed 2nd — (1974), the court held that ultimately the court will decide, as an issue of constitutional law, whether the material is entitled to the protection of the First Amendment. In both cases the convictions were reversed.

Mr. Justice Stewart's concurring opinion in *Jacobellis* 378 U.S. at 196 expressed the view that obscenity laws must constitutionally be limited to "hard-core pornography" for which Stewart gave no definition except "I know it when I see it."

In the summer of 1973, the Burger Court, in *Miller v California* 413 U.S. 15 (1973) reformulated the standards by which the triers of fact determine obscenity: A) whether "the average person, applying contemporary standards" would find that the work, taken as a whole, appeals to the prurient interest, B) whether the work depicts or describes, in a patently offensive

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Police See Many Problems in Enforcement of Obscenity Rules

by Jim Connors

I recently interviewed Inspector Charles Peterson, the man in charge of police operations dealing with obscenity in New York City. The inspector is a member of the New York Bar and a graduate of St. John's Law School.

The interview was intended to view the problem of obscenity from the police standpoint and to investigate the actual enforcement of the law as it stands today. With the city in economic distress, the questions of usefulness and effectiveness of such operations immediately came to mind. The additional problems of victimless crime, underworld control and arbitrary arrest procedures were also raised.

The first question posed was, "What is the arrest procedure in dealing with obscenity violations?" NYPL 234 defines as obscene any material or performance whose predominant appeal is to prurient, shameful or morbid interests, which goes substantially beyond the customary limits of candor in describing such and which is utterly without redeeming social value. This definition is broad and opens wide the field of criminally punishable conduct. I was told, however, that the only time an arrest, or even an investigation preceding an arrest, takes place is pursuant to a complaint. At such time an officer is sent to the bookstore,

if such is the subject of the complaint. The book or film is then purchased by the officer and shown to a judge who must then decide, based on guidelines like the "community standards" whether the subject matter is obscene. The seller, at this point, is unaware of the proceedings. If the judge determines the matter to be obscene, a search warrant is issued and a search, confiscation, and arrest follow. Inspector Peterson told me without reservation that he does all he can, in making arrests, to harass the store owner. He justified this by saying that the person arrested at the store is usually a "schlepper," that is, a person hired with knowledge of the possibility of his eventual arrest. To inconvenience the owner, arrests are usually made at 11 A.M. or 4 P.M. This prevents the owner from getting someone to keep the store open, and he thereby loses business at these peak hours. These harassment measures are supposed to keep the owners in check. The Inspector claimed that if the store displays notices that the material inside is for adults and if no pictures or materials are displayed to draw people in, then usually no arrest is made. He stated that the "incitement of the desire" for the goods is what his division has strived to discourage. He claimed that the "Deep Throat" promoters, for example had problems not because of the film's content, but because of the ad-

vertising procedures. This disturbed neighborhood groups and eventually resulted in a \$100,000 fine. To expound on this "incitement of desire" concept, Insp. Peterson told me of an actual case. It happened that a newsstand owner had been arrested for displaying obscene material which consisted of a "Penthouse" cover. On this particular issue naked buttocks were displayed and a complaint was received. Penthouse brought an action against the Inspector personally for harassment. During the trial, Penthouse stated it sold 3.5 million copies a month, 95% of these from newsstands. As an incentive, the sellers were given 10¢ additional per copy to place the magazine in a "Prime Display Position." The publisher argued that such positioning was needed to create demand for the magazine. This, Peterson stated, was intended to create impulse buying in which advertising is designed not to fulfill a need but to create it.

When the question of efficient use of police was raised, I was astonished to find that while there were 293 men in the Public Morals Division, only 5 are assigned full-time to obscenity. The others investigate gambling, loansharking and prostitution operations.

As to the issue of organized crime's involvement in obscenity, the Inspector stated that organ-

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One Man's View

Judge Wright Favors Leniency

by Bruce A. Torino

To gain a better perspective of the pornography issue, my assignment took me to a Judge's Chambers. The ultimate responsibility for what is or is not pornography rests entirely with judges as agents of the public. To determine one man's viewpoint on this subject, I went to see the controversial Hon. Bruce McM. Wright, former Judge of the New York City Criminal Court.

We are all aware of the confusion that resulted from the recent Supreme Court decisions on pornography and how the burden of deciding what is illegal and what standard to apply has been shifted back to the communities. What is not readily apparent is the quandary into which the individual judge is placed. There are a plethora of "community standards" to apply. Does the judge apply the jury standard? Does he apply the standard of the community in which the court is located? or should he sample the state as a whole or only his local community? Combined with this difficulty is a dearth of Appellate Court guidance. This lack of precedents has placed a heavy burden on the individual.

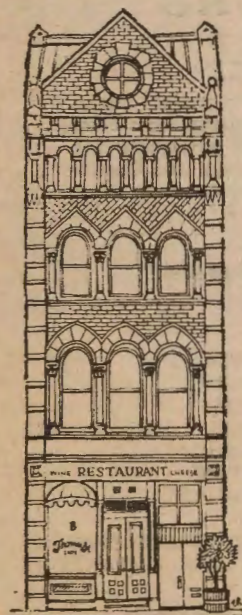
It was easy for me to appreciate Judge Wright's hesitancy to find a person guilty of a pornography charge unless his/her actions came strictly within the prohibitions of the law. As he said, "... if the fact pattern does not fit the decisions handed down by higher courts, I feel it is my responsibility not to condemn someone for the failure of

the system to make up its mind."

In keeping with this philosophy of reluctance to convict, His Honor expressed the opinion that these victimless crimes, such as pornography, are "absurd and worthless," for a number of reasons. The enforcement of violent crimes is already severely taxing the police, so he asks, "Why should the police spend many non-productive hours prosecuting people who are not affirmatively hurting someone?" The arrest versus conviction rate is so disproportionate that it leads one to believe these arrests are for statistical purposes only because those arrested are not off the streets for long.

The pragmatic argument gave way to a theoretical one dealing with First Amendment rights and prohibitions. The gist of this argument first centered around the belief that there should be separation of church and state. Therefore the state should not enforce laws that have their origins in religious dogma and now are but crude attempts to reconcile man's medieval heritage with modern society. What is so revolting or endangering about a picture of a nude body that it must be guarded by criminal sanctions? The other aspect of Judge Wright's argument stressed that we should not prohibit another person's freedom of expression, when he/she is not affirmatively harming anyone and/or not forcing the subject material upon anyone. Differing ideas on thoughts or topics are a part of the American heritage, so why

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NYLS-CCNY Six-Year Program Off to Good Start

by Glenn von Nostitz

The recently announced six-year Urban Legal Studies Program between NYLS and City College is off to an encouraging start. The Board of Higher Education stamped its final approval on the subject last month, and Acting Director Edward Schnieir reports that an unexpectedly large number of high school seniors have expressed interest in the offering.

The new program is unique in that it requires college students to take courses in Criminal and Constitutional Law as well as Legal Research, neither of which will have to be repeated later. It also requires that second and third year law students take liberal arts courses in areas such as sociology, psychology and philosophy.

The six-year offering is believed to be the first of its kind in the country, and certainly the first program of any type with the aim of training lawyers who are "socially sensitive to the problems of the urban areas" and who, it is expected, will serve these areas after they graduate. About half the students are expected to have minority backgrounds, although according to NYLS Associate Dean Margaret Bearn, "There will be absolutely no racial quotas."

While officials may be giving assurances of free and open competition for admission to this program, a similar City College program for training minority background doctors has run into some trouble. A number of applicants have made the headlines by charging reverse discrimination and filing lawsuits. So far the results of these suits have been inconclusive.

No matter how the students may be chosen, the first fifty will begin the program in September. In order to qualify, a student must have at least an 80% H. S. average, and must perform adequately on a special placement exam. Students must also show a special interest in urban studies.

Questions and Answers

A number of questions are being asked about the six-year program by NYLS students and faculty. For example, many people are wondering why NYLS, rather than some other law school, was chosen for the joint venture.

According to Director Schnieir, the selection was in part due to the fact that N. Y. Law School has no firm ties to an undergraduate school. As Schnieir explains, "If we were to try this with say, Columbia, undergrads there would be very upset, and rightfully so, because of the bias in favor of City College students."

An even more important reason for choosing NYLS was that both schools have recently reappraised their missions, and have both decided on a new "urban focus." For City College this change came in large part because of the open admissions program and an ending of the school's reputation as "Harvard of the working class." It has had

to readjust to a new constituency to serve the community in which it is located. For NYLS, the change in focus came about as the new administration began to realize that this school could become an "urban law center" which, due to its strategic location, could respond to the urban crisis with a new emphasis on the study of urban legal problems.

It was only natural, then, that NYLS and City College would come together on this venture.

Another big question concerns the impact the program will have on Pace University-NYLS relations. Associate Dean Bearn asserts that the effect will be "basically nothing." The affiliation between the two schools has been what Bearn terms "very light," and since the six-year program operates independently, the light relationship should not be altered. Bearn does admit that she now considers relations between NYLS and CCNY to be much closer than relations with Pace University.

There is another important question about the new program NYLS people are asking: What impact will it have on the future of the law school?

The effects should not be noticed immediately since the first students in the program will not be seen on Worth Street for another few years. The impact has so far been limited to a favorable response from other schools and the press. A front page article appeared a few weeks ago in the New York Times and Director Schnieir reports that he has received inquiries from a number of other schools about how the program is being set up.

The long range effects on NYLS will, of course, be very deep. The new program will finally transform NYLS into a true urban law center, thereby bringing to fruition this oft-stated goal of the new administration.

There should also be a significant improvement in the previously tarnished NYLS image. While the major physical improvements inaugurated by the new administration have already brought some needed outside recognition to the school, an attention-getting program of the type beginning in September could give this school national recognition.

Other long-range effects include possible physical improvements made with the help of monetary grants. Although most

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Admissions Committee Ponders

How to Determine Future Success?

by Bill Sterns

This is part two of an article on the complex situations surrounding admission at NYLS. Part one focused on some of the factual circumstances facing those involved with the process. The following deals with analysis of many of the circumstances.

It is an enormous problem for seven people to read through some 4,000 applications. There are a few specific problems which this article has barely touched but which need to be addressed, I think. First, there is the entire area of the validity of ETS's law board scores and "predictors." Are they valid indicators of future success in law studies? Who



Dean Margaret Bearn

at this school has checked their validity? Dean Bearn did say to this point that the GPA, rather than the LSAT, is the more important criterion for law school success. This has been borne out by ETS's own validity study conducted by NYLS, using NYLS statistics, this past summer. I would like to see the statistics, but certainly this is a step in the proper direction.

Also, is success in law studies the only end to which an applicant is screened? As former Solicitor General Erwin Griswold said in his brief for the AALS in the DeFunis case, GPA's and LSAT's do not "pick-up the factors in judgment, professionalism or ethics" necessary for the sound practice of law. Here again Dean Bearn mentioned that the Law School Admissions Council is now attempting to devise a test with ETS that will test for these other factors. I wonder if such a test

could also predict integrity, diligence, concern for a client, contribution to the bar, or even contribution to the school. Absent positive proof to the contrary, I think that seven people experienced in admissions are better able to and ought to make these judgments.

The objective vs. subjective criteria argument could be argued indefinitely. If it is true that this year's class statistically is the best qualified in the school's history, then someone ought to listen to at least two professors who have stated that they have found this year's class to be notably lacking its share of outstandingly bright law students. The class is competent, but there are few students who stand out, according to these professors.

Unless the committee is convinced of the validity of the numbers received from ETS with every application, I think more risk taking might provide a more diversified, yet qualified, student body.

Finally, if NYLS is serious about becoming a major urban law school, the problem of the school's lack of minorities must be addressed. Though a group such as BALSA does help with recruiting and groups such as the Council for Legal Education Opportunity refer candidates, the school must conduct an intensive effort of its own to attract and admit these students. To this end, the B.A./J.D. Urban Studies Program which NYLS is establishing with City College will hopefully attract more minority applicants, as well as urban-oriented students in general. This program is an imaginative one and illustrates the type of initiative a school and an admissions committee is able to take towards the improvement of both the school and the community.

A school can never be much better than the quality of its student body. As this school begins to change, a corresponding change may be seen in the admissions process. But the admissions committee is in a position where they must not only reflect change — they can also direct change. While at the present the school plans some recruiting in

the Philadelphia area and in Western Massachusetts, more could be done to the school's advantage. While academic excellence must be a primary goal in all cases, more "educated" risk taking regarding GPA's and LSAT's might bring some surprises for the committee in terms of both scholastic success and contribution to the school and to the profession.

The school has committed itself to change. To a large extent the quality and degree of that change will be decided by NYLS admissions committee.

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Criminal Justice Clinic Gets Enthusiastic Student Response

by Vic Pino

Perhaps one of the most innovative features of the New York Law School curriculum is the Administration of Criminal Justice Clinical Program, taught by Professor Salvatore Pino Jr. Prof. Pino, who joined the full-time faculty in 1973, brings to the school a wealth of experience and knowledge acquired during 27 years of practice. Besides his course of Administration of Criminal Justice, Prof. Pino also teaches courses in Criminal Procedure and Military Justice.

Prof. Pino graduated from Fordham Law School where he was an editor of the Law Review. After graduation he served in World War II as an Air Force officer in the North African and European theaters and was decorated for his service. In 1947 he entered the New York County District Attorney's office headed by the late Frank Hogan and remained there until coming to the faculty of NYLS last year.

Prof. Pino began as a trial assistant in felony cases (specializing in homicide) and moved to Assistant Chief of Indictments in 1956. Subsequently, he became Chief of the Indictment Bureau in 1969 and remained there until his retirement in 1972. In an article in the December 15, 1972 "New York Law Journal" the late District Attorney Frank Hogan expressed regret at Prof. Pino's retirement and praised his aide's record as one of "exceptional judgment and unswerving integrity that represents a distinguished contribution to good government." Prof. Pino during this period was also a member of the Judge Advocate General's Department in the Air Force Reserve, specializing in Military Justice and government contracts. He retired in 1965 with the rank of colonel.

One of Prof. Pino's responsibilities while at the D.A.'s office involved training new assistants in the revised penal law and the Criminal Procedure Law of 1971. For a period Prof. Pino also supervised the assistant D.A.s in their trial technique in the criminal court of New York County. Many assistants that came under Prof. Pino for their initial training have moved on to illustrious careers as assistants in various New York City and New York State counties. Others have been appointed to various commissions and federal offices and on to various benches in the New York court system.

Perhaps the most interesting of Prof. Pino's courses at NYLS is his Administration of Criminal Justice Clinical program. The basic thrust of the clinic seminar is to transpose the theory of criminal procedure to its application in the trial area. The program is designed to give the student a feeling of the transition from the classroom to the courtroom.

Presently there are 21 students enrolled in this course. Each student accepted into the program is required to work two one-half days, or, one whole day a week in the prosecutor's office to which they are assigned. This work is done without pay but four credits are earned for the successful completion of this one semester program. In addition to a student's assignment in the prose-

cutor's office, he or she is required to attend a class of one hour and fifty minutes each week.

Prof. Pino has placed the 21 students in the D.A.'s offices in the five counties of New York City, the U.S. Attorney's office in the Southern District of New York, and the prosecutor's office of Bergen County, New Jersey. Last semester students were also assigned to the office of the N.Y. special prosecutor of narcotics and the U.S. Attorney for N.J.

During their hours in the various prosecutor's offices, students engage in a number of different activities. Each student assists in the preparation of trials as well as the observation of actual trials. Students also have an opportunity to assist in pre-trial matters such as lineups, motions, and pre-trial hearings.



Salvatore Pino

Also, the participant might be required by the D.A. he is assisting, to write briefs pertaining to cases that might or will go to trial.

The interns are encouraged to discuss problems that arise and their experiences in the various offices during the weekly class meeting. The participating students also have had an opportunity to listen to guest lecturers on various occasions. Some of the guest lecturers were Assistant U.S. Attorney Kracove who is currently the Deputy Chief of the criminal branch of the U.S. Attorney's office of New Jersey, Assistant D.A. Lahner who is the New York County's Chief of the Homicide Bureau as well as Assistant D.A. Haynes, the Executive Assistant to the New York office of the special prosecutor of narcotics. The lecturers touched on such topics as federal criminal trials and the inherent problems of such trials, problems involved in the trial of homicides and generally on criminal trial practice. Prof. Pino has indicated that other speakers are contemplated.

The prerequisites for enrollment in this program are a course in Criminal Procedure, an interview with Prof. Pino and the prospective District Attorney's office in order to insure placement. Prof. Pino stated at one time it was not too difficult to place students for this type of program but recently, competition has become much more severe. This increase of competition can be attributed to the added interest towards clinical programs by the other law schools in the area and the limited number of places the prospective offices have available.

Prof. Pino also indicated that the reaction of the students has been one of enthusiasm because of the experience they gain in such a program. Students who have participated have done quite well in their respective assignments.

Initially, various prosecutors were reluctant to take students due in part to the practical reason that it is difficult for the D.A.s to properly train a student in such a short span of time. However, the NYLS student participants, according to Prof. Pino, have proved to be valuable in the work they do in their respective offices. Now there is a more widespread acceptance of the program by the various prosecutors' offices.

Programs such as the Administration of Criminal Justice Clinic can act to assist the student in the fulfillment of his legal education. It provides him or her with an academic core translated into actual practice that proves to be an invaluable experience while still in the law school environment. Such programs enhance the students' training as well as the reputation of the school in the offices where the students have performed well.

Students interested in enrolling for this course for the fall term should contact Professor Pino before May 8, so that interviews can be arranged over the summer at the D.A.'s offices. Leave your name and telephone number in Professor Pino's mail box on the second floor.

New Program

(Continued from Page 4)

grant money would be earmarked for scholarships for needy students, Director Schnieir says that some of the money would also go toward establishment of research centers and the setting up of a legal clearing house on urban law. Research needs to be done to devise new methods of providing legal services to those unable to afford them, and it should not be too difficult to obtain outside funding to begin this research.

Additionally, some money could ultimately go toward creation of special new faculty salary levels, as well as toward beefing up the law library with urban-related materials.

But the biggest change will be in the new type of student the program will bring to NYLS. There is no doubt that they will be very bright — one City College spokesman estimates that they will be in the "top 5%" of the City College class. But more than that, they promise to be very alert and "much more activist" than the present law school breed.

In the past two years the new administration has doubled the size of the faculty, expanded the physical plant and begun to open up the decision-making process. As one CCNY spokesman said: "This is the sort of project NYLS would never have embarked upon a few years ago." Undoubtedly, the changes have been dramatic. But the greatest change of all should occur when the first City College students arrive here three years hence.

Barriers Must Come Down

by Diane Iushewitz

People are always asking me how I'm enjoying law school. Unfortunately, I have never understood why they ask that question. There have been many times in the past three years I was sure law school was something to be suffered, rather than enjoyed. But my law school career will soon be over, and hopefully time will diminish only the bad memories.

I leave 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 fact that there are many people I enjoy who won't be so accessible anymore. Third, concern about New York Law School and its future.



Those of us who entered in 1972 have seen more change, and have been more affected by that change, than any other student attending the school. We have been caught between the old and new ways, and have been experimented with. Yet until recently, none of those students involved were really bitter about their experiences. They were happy that changes were taking place and felt that future benefits outweighed present disadvantages.

But during the past year barriers and obstacles of all sizes and forms have been introduced at school. The message students received — go away. For example, many students with problems have not been able to see one of the many assistants to the deans, much less a dean. When the dedication of the library was announced, a notice was posted informing the student school was closed. What were they to think? Someone seems to have forgotten that the reason any school exists is the students.

More than anything else, NYLS now needs a school spirit, a feeling that we — everyone at the school — are a community with common goals. Who would have thought we'd ever see professors and students sitting together in our own coffeeshop, or that people would complain about not being included in EQUITAS' April Fool's issue. While such spirit cannot be ordered or manufactured, its development certainly could be aided by the administration.

Students could make important contributions to the growth and development of NYLS. If they are allowed to do so as students, many will continue their work as alumni. The next few years will show whether the changes made in the last two years have accomplished anything. The time to tear down the barriers is now — before they harden and we become used to them.

Expanded Fall Activities Planned by Older Students

At its planning meeting on Monday, April 14th, at noon, the Older Student Caucus contemplated its increased membership and its future plans.

A member will speak at Orientation, both morning and evening, for the benefit of incoming older students. A committee is being set up to get out a mailing to new admittees informing them of the friendly services available.

Many ideas were presented: that members of the Older Students Caucus, Dan Henry, Frances Salten, Anita Miller, Robert Marmorstein, and Gary Dolan had performed school services, such as founding the Older Students Caucus, co-founding the Women's Caucus, setting up the school's Development program, and contributing articles about their nonacademic experiences to EQUITAS. Art Fisch, Editor-in-Chief of EQUITAS, though not a member, is eligible for

membership (as any student with at least three years of nonacademic experience is). Also noted was Columbia's 20-30% older students.

Members agreed to serve as consultants, putting their varying expertise at the service of the administration, faculty and students. Because of their experience, they are available for help with resume writing and suggestions on interviewing.

The evening students were represented by Joe Young. Interested evening students wishing to become actively involved with the Caucus may see him in person, or write to him c/o the OSC, mailbox in 57. Day students wishing to volunteer their services, make suggestions, arrange a different meeting time, etc., may communicate with Jack Kalmar, mailbox at 47.

Meetings will be held every Monday at noon, off the coffee shop. All invited.

Equitas Editorials

POINT OF VIEW

— 30 —

By ARTHUR P. FISCH

You Gotta Believe

At one of the recent seminars which was held at the School a graduate was overheard saying that with all that was going on he was beginning to believe all the things he had been hearing about the school. He failed to realize that he had also made a point of attending many of the programs which were being held, so that he had personal knowledge of the changes which have taken place at NYLS. Too many of our graduates are relying on heresay.

In the past weeks we have had the dedication of the Charles W. Froessel library which was attended by a who's who of the bar and the judiciary. The first annual Walter M. Jeffords lecture series was held at the school with Dr. Stefan Trechsel, chief prosecutor of the Canton of Bern, Switzerland presenting three outstanding lectures. During the semester the Alumni Association has presented a number of "practical" seminars on Estate Planning, and Insurance. NYLS is offering you the opportunity to take advantage of these programs which are designed with the needs of the practicing bar and the NYLS graduate in mind.

You owe it to yourself to come down and see what is happening at our school. You too will begin to believe.

Exit Old, Enter New

This issue marks for many members of EQUITAS staff the last in which they will be active student participants. These graduating students have for the past three years been the backbone of this newspaper. To them and to the members of the graduating class who managed to find time from their studies to be active in student organizations such as SBA, Women's Caucus, BALSA, Phi Delta Phi, Moot Court, we would like to say Thank You.

Without our student organizations the school would be a dull place indeed. With them we have a fuller educational experience. Many who are graduating have devoted so much of themselves to these organizations that they feel that the students taking over can never do as good a job. Let them rest assured that when they assumed their roles those who preceded them had the same trepidations.

AN OPEN LETTER

Supervising the Bar Review Courses, Who Will Take the Responsibility?

In the spring a law student's thoughts turn to the Bar Exam. As so many of us know, the process of selecting a Bar Review Course is an agonizing one, and it is not being made any easier by the various Bar Review Courses.

The courses should be telling us how their course is run and exactly what procedural differences exist between them. Instead we are treated to the statistics of who can juggle their figures to come up with what looks like the best percentages. All of which is pure hogwash. No one, least of all the bar review courses, are substantiating their figures on a state wide basis. Raw

Congratulations

EQUITAS wishes to congratulate the newly elected student leaders of NYLS and we hope that the issues raised in the recent campaign will not be reduced to rhetoric in the coming year. GOOD LUCK!

A Free Press

EQUITAS has never been subject to any attempt at censorship, review or direction by either the administration or the faculty of NYLS.

Many students have questioned EQUITAS on this and always have received the same answer; we print any responsible point of view including our own. Our news stories attempt to be both objective and incisive. We will continue this approach to journalism and we also defend it.

Recently certain members of the SBA have voiced the opinion that they (the SBA) should decide what is newsworthy for EQUITAS. Our answer for this is quite simple: Forget it.

Fortunately such irresponsible statements have been limited to a very few. EQUITAS acknowledges its responsibility to the NYLS community to report the activities of the SBA. However, not just the activities that a choice few may want to see in print. A free press has not only the privilege of ascertaining the facts but the obligation to do so.

This is not to say that anyone should invade an individual's privacy. But when a student representative of our school acts in his/her representative capacity for any reason, the students have a right to know. Again, certain occurrences may not be newsworthy or may be on so personal as to warrant discretion in their publication. But who is to decide this? The SBA? Certainly not.

Our duty is clear, we must report the news as objectively and precisely as possible. We must take a stand on important issues and we must provide a forum for all other points of view.

I have composed this column in my mind many times in the course of the past few months. What it is about is contained in its title — "30" — means to the typesetter and proofreader that a story has ended and no more copy will follow. When one has fallen in love, and I and so many of my classmates have, with NYLS and with EQUITAS it isn't easy to say goodbye.

My colleagues have chosen to do it in many different ways as expressed by the many columns in this issue. I would like to say my farewell, without, I hope, getting too maudlin.

It seems that September 1972 was a thousand years ago, and it also seems as if it were yesterday. Those of us who graduate this year have seen NYLS go from the middle ages to the atomic age in three short years. The accomplishments of the school over that period of time have been well chronicled on these pages. As a school we are indebted to Dean Shapiro for what he has done for NYLS. That is not to say that nothing more remains to be done — far from it. But, I believe that Dean Shapiro knows that as well if not better than most of us do. This law school is going places and all of us who are now graduating owe an obligation to return as alumni and support the changes which still have to be made. This "30" column would not and could not be complete without thank yous being given to those very special people who were most responsible for helping me make it to this point. My wife Fran who was primarily responsible for encouraging me to apply to law school and helped maintain my sanity on my way through. My friend and colleague Jeff Fogelson NYLS '68 who aided and abetted Fran and then conspired with Dr. Weary to find one last application on that late date in July. Rick Entin NYLS '73 who corraled me onto the EQUITAS staff and Carmen Cagnetta NYLS '73 who taught me how to love a newspaper. The so many fellow students who give this school its heart. Especially my fellow editors — Sal Bate, Diane Iushewitz, and Jim Pagano. (in alphabetical order). I wish the incoming editors as happy and satisfying a group of people with whom to work.

My three years here and especially my association with EQUITAS have instilled a feeling about NYLS which is difficult to express. I know that many of you feel the same way — I wish all of you did.



EQUITAS congratulates the Class of '75 on their approaching graduation. The best of luck throughout your careers, and please do not forget NYLS . . .

Equitas

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Letters to the Editor

Hits Neglect Of Students

Dear Editor:

It was with surprise and delight that this student learned that classes on April 16 were cancelled. Great! As finals and graduation swiftly approach an unplanned day-off would seem to be heaven sent, for any number of reasons one could imagine.

However, to my great dismay I found out that the reason was the dedication of the library. The 'new', 'dynamic' Administration, in its continuing effort to thrust NYLS into the hearts and minds of the metropolitan area, invited dignitaries, the press, and alumni to the dedication. But, in his haste to publicize and invite, whoever was in charge of this project proves to me to be most insensitive and unfeeling. Why were the students — the largest segment of the NYLS community — left out in the cold? Especially for the graduating students it is a slap in the face, a cold shoulder. We've been here at 57 Worth longer than 95% of the Administration. It seems to me that only Dr. Weary survived 'the New Frontier'. It is beyond my belief that we were not invited to attend an event that was touted to be so important for the school after living through three or four years of change; through events well remembered by all of us but too numerous (painful) to recount.

New York Law School, notorious for lack of concern and contact with its alumni, has not endeared itself to this future alumnus, even before the momentous event of June the eighth.

Sincerely,
Stephen Gurwitz, 3D

Charges Racism

Dear Editor:

If it was simply a case of bad judgment or prolonged adolescence I would defer comment on the April Fool's special issue of *Equitas*. To the extent much of the issue evidences poor judgment or that its general nature was defamatory, I leave for others to say. I, however, wish to note for the record my objection to one example of insidious racism which this law school can do without.

White racism, often unrecognized by many of us, manifests itself in hundreds of ways in American society. Though not exhaustive in its description, an operational definition of racism should first be stated. Racism is based upon the way people actually behave, not only upon any logical consistency in their beliefs or what they subjectively consider their intentment to be. Racism may be viewed as an attitude, action or institutional structure which tends to subordinate a person or group because of his or their color. Overt racism is the use of color per se (or other visible characteristic related to color) as a subordinating factor. But there are more subtle and more indirect forms of racism.

In the recent special issue of

Equitas a Black student, known mostly to second year students, was ridiculed by *Equitas*. Because I deem it inappropriate to republish the libel, it will suffice to characterize the false statements attributed to him and the mocking praise flung upon him by quoting from Prosser:

"one common form of defamation is ridicule. It has been held to be defamatory to publish humorous articles, verses, cartoons or caricatures making fun of the plaintiff, to heap ironical praise upon his head. . . ." Prosser, Law of Torts, 4th Ed. page 742

As if the libel itself were not enough, that the student is no longer in attendance at New York Law makes the ridicule all the more reprehensible; a joke with or a prank practiced on a friend must not be confused with an insult directed at one who is not present to defend himself. One should ask: What conscious or unconscious motivation or attitude caused the author to choose a Black student as his subject of ridicule and scorn? What makes the choice selected a "humorous" one? Certainly the article's attempt to ridicule and subordinate a Black person by attributing to him the stereotypical "I sure is glad to be here when all this are happening," bespeaks a racist mentality in need of immediate rehabilitation. To be sure, no Black person should be glad to be anywhere where such ridicule is permitted to masquerade in a law school newspaper thinly and transparently disguised as "humor."

Benjamin R. DeCosta
4th Year Evening

Not Funny

Dear Editor:

Laughing at ourselves was appropriate; but to laugh at another, especially a former classmate, was most distasteful.

William Alen Apfel
2d Year Day

NLG Explained

Dear Editor:

Just a short letter to clear up some cloudy issues about the NYLS Chapter of the National Lawyers Guild. The NYLS Chapter, organized last semester is a legitimate student organization unanimously recognized by the S.B.A. We have sponsored many speakers, from Prof. Cyril Means to noted consumer lawyer Donald Ross. Due to the problem over student fees we have been handicapped in expanding our speaker program, and in beginning a film series and newsletter. However, we fully intend to continue to sponsor speakers who will challenge orthodox ideas about the legal profession and discuss progressive alternative modes of practice. With or without funding from student fees, the N.L.G. expects to conduct debates and forums, eventually to print a student newspaper, and to hook up with prominent Guild attorneys

to do research work on pressing social-legal problems. Presently, the chapter is discussing the possibility of doing work over the summer with the attorney representing the Attica inmates in their massive class action suit against state officials.

We would like to welcome anyone interested in attending the speakers, lectures, meetings, and hopefully in the future an N.L.G. sponsored film. Times and places will be announced on posted signs.

Loren Bailly
Martin Silberman
Amy Kessler Lewit
Richard Cohen
Deborah Madison
Martha Levin
Rich Crossin
Jack Shapiro
Jay Itzkowitz

Urges Self-Support For School Groups

Dear Editor:

Your March 25th editorial on political organizations ("Whose Politics?") ignores a major moral question involved in the funding of student organizations.

That the supervision of student organizations and activities belong primarily in student hands is an idea long accepted at most schools, and its slow arrival at NYLS leads one to wonder how well the Dean feels this school is fulfilling its purpose in preparing students to assume the very real responsibilities our profession entails.

Financial support of student groups is an entirely separate question however, and in this regard, the Dean's position is far ahead of that taken by *Equitas*. As opposed to such activities as the SBA, Law Review, Moot Court and *Equitas* itself, which are intended for all students and which benefit the school as a whole, groups such as the Republican Club, Lawyers Guild and Women's Caucus are established primarily by and for a small segment of the student body. To require that all students contribute to their support, even those students who disagree with or actively oppose with their actions and aims, through the allocation of funds from student fees is a clear violation of the rights of every student. Further, such allocations are of doubtful legality (IRS regulations on institutions such as NYLS) and is unquestionably immoral. Thomas Jefferson rightly denounced as tyranny such attempts to force persons to pay to support ideas they do not share.

Further, since inevitably some requests will be denied, one can safely predict the charges of discrimination, censorship, favoritism and so forth that will result, along with the minor annoyances such as lawsuits which occur daily.

Thus the position most consistent with the rights of all students and the interests of NYLS is to let political and special interest clubs be supported, financially and otherwise, by those who support them.

Sincerely,
Steven H. Schlesinger — '73

OUTLOOK

The Pangs of Parting

by FRANCES BROWN SALTEN

Outside, the crocuses are clamoring for attention, hinting at the spring euphoria to come. This year I, for one, am strangely unresponsive. Though usually my heart is a ready truant, responding even to some errant warm and beautiful autumn day, this spring my thoughts are not soaring wildly. Nor is it my studies that weigh me down. My books lie neglected around me.

Why do I not dance to spring's tune this year, dragging leaden-footed and slow instead? Too many memories tug at my heartstrings; I find I am in love. . . .

Spring promises June . . . graduation . . . too many farewells.

It was two years ago, my first spring at law school, that I suddenly recognized I had fallen in love with New York Law School. Old fashioned, cramped-in-one-building New York Law School, with its basement food-dispensing machines! I had discovered the qualities of Dr. Weary, of Professors Simak, Fensterstock, Koffler, Setaro, Dugan and Schwartz. Even the sternest of them, it turned out, had lovable qualities. What student could resist loving professors who share their knowledge so generously? Or Manuel, Bobby, Antonio, Raphael, Carmelo, Judy, Diane, Esther, Ruth, Dorothy, Audrey and the others who really run the School.

Many of us, smitten, attended summer school (some a second summer also), thus cutting the annual separation from school down to one month. Second year saw many changes. Bombshells Dean Shapiro and Professor Hochberg joined us, and the quieter Dean Bearn and Professors Gottlieb, Goldberg, Seitel and Davis. In class, we had different professors to admire: Professors Gottlieb, Means, Lee, Seitel and Hochberg.

* * *

The kaleidoscope of memory shifts, bringing different shapes and colors to the fore. The problems and periodic crises that give school life its poignancy and desperation are remembered again: first year students rampaging over what they see as administrative disregard and rigidity; women students constantly angered by being omitted from favors and privileges — both groups seeing their protests met with unimaginative, robotlike irrelevancies that even high school students would laugh at.

Mostly the memories have tangled and blended like clothes in the washing machine when it picks up speed, winding up with an abstract painting, all streaks and mood. The underlying mood is nostalgia; the strong sense of deep roots tying is up to this ridiculous, this lovable, wall-papered, carpeted, now-expanded-two-building school.

The machine stops whirling. Two memories have risen to the top: this past year (our last!) with its different combination of professors — Judge Re; Professors Arenson, Lippman, Robinson, Solomon, Julien, Pino and L. Shapiro, and, most startling and recent of all, discovering that a Columbia Law student envies us! (Person bites dog!)

A first year Columbia law student, attending our LSD Circuit meeting on April 5th, expressed his envy of our coffee shop. "I wish we had something like this at Columbia," he said ruefully. "The warmth, the closeness, the atmosphere . . ."

I'd always wondered if the bond I sensed at New York Law School existed at any other law school in New York. It was surprising that this visiting student had noticed it within hours.

"If it isn't the coffee shop," he mused, "I wonder if the students at Columbia are interested only in themselves . . ."

It was then I became aware that professors are only the focus. Who could forget Gil and Mark? Faces of my 125 classmates began to appear, their different personalities endearing them to me, until I knew I would miss the daily mixture after June. Some students are more clearly etched than others — for brains, for heart, for sensitivity. These have become the school leaders that you know so well in their third-year-maturity. I have watched their development from their early gropings. They are very dear now.

I've loved every school I've ever attended. Why is New York Law School the only one I can't bear to part with? What is this miracle on Worth Street? Do others feel it? Have we become one family?

"With all your faults, I love you still.

It had to be you, wonderful you,

It had to be you . . ."

DA Responds to Police Charges of Leniency

by Rich Cohen

Times change and so does the District Attorney's office of New York County. But still, Roderick Lankler, Assistant District Attorney in charge of the Criminal Court Department could not categorically deny that another Lenny Bruce type incident could not occur. If times and tastes change again, the D.A.'s office may be forced into another unfortunate situation, such as the one which occurred with the prosecution of the legendary comic.

"The D.A.'s office handles an obscenity case as it does any other case," Lankler declared. "When a case comes in, it is judged on its merits and then a decision is made whether to prosecute." Contrary to many of the complaints heard from the Police Department, the D.A. does not refuse to prosecute. However, due to the overload of more serious criminal cases, obscenity cases are lower on the list of priority prosecutions. However, where children are exposed to pornography, or where there is any evidence of the involvement of organized crime, the D.A. will move much more quickly. In responding to police charges that the D.A. just stands by while organized crime syndicates control the distribution of obscene material, Lankler stated that, "All we ask is for the police to show us any evidence that they can find in this regard." So far, he claimed, he has seen no cases where organized crime is involved.

One factor hampering obscenity prosecutions is the problem of enforcement. By the time any case reaches the stage of getting to trial, the press coverage usually increases the offenders' business to such a great extent that a conviction only serves to make him a "Porno King." Lankler claimed that many pornographers try to get busted in order to increase their profits.

Lankler believes that the recent Supreme Court ruling on obscenity is so vague that any convictions pursuant to it may be unconstitutional. However, no major cases have arisen since the decision that have proceeded as far as a jury trial.

Confronted with the complaints of Police Inspector Charles Peterson (Morals Division), Lankler just laughed: "Peterson is a good friend of mine and I feel that the D.A.'s office has a very good relationship with the Police Department." He denied allegations that his office refuses to cooperate with the Police and added that, in addition to prosecuting, the D.A. is also attempting to combat pornography by participating in the Mayor's "Times Square Commission," which is trying to clean-up the Mid-Town area.

When asked about the merits of prosecuting a "victimless crime," Lankler concluded that, although other crimes deserve greater attention, if prosecution actually deters the marketing of pornography, then there is merit to it.

... Legal Aspects

(Continued from Page 3)

way, sexual conduct specifically defined by the applicable state law, and C) whether the work, taken as a whole, lacks serious literary, artistic, political or scientific value.

Miller rejected the old "utterly without redeeming social value" test as the constitutional standard of material unworthy of the protection of the First Amendment. This relaxed considerably the burden on the prosecution.

Miller also gave "a few plain examples of what a state statute could define for regulation" under test B: A) Patently offensive representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated and B) Patently offensive representations or descriptions of masturbation, excretory functions, or lewd exhibition of the genitals.

Miller also held that "to require a State to structure obscenity proceedings around evidence of a national community standard would be an exercise in futility" due to the diverse communities in the nation. The Bar and the general public took this to mean that the court was turning control back to the states. However, in *Hamling v United States* 41 L. Ed 2d 590 (June 24, 1974) Justice Rehnquist explained that in Miller the court had not meant to require that the community be "statewide" instead of national. In fact, the standard was not required to be "any such geographic area," but that each juror was entitled to draw on his/her knowledge of the standards of a 'reasonable' person."

The Supreme Court remanded

many obscenity cases to state courts in order to ascertain whether the state statute and case law, under Miller guidelines adequately defined the material to be regulated. The New York Court of Appeals upheld the New York statute in *Heller v New York* 33 NY 2d (December 38, 1973). In June of 1974, the New York legislature amended the obscenity statutes, Penal Code 235.00, effective September 1, 1974, in order to conform to Miller.

Section 1. Subdivision one of section 235.00 of the penal law, as amended by chapter 791 of the laws of 1967, is hereby amended to read as follows:

1. "Obscene." Any material or performance is "obscene" if a) the average person, applying contemporary community standards, would find that considered as a whole, its predominant appeal is to the prurient, interest and b) it depicts or describes in a patently offensive manner, actual or simulated: sexual intercourse, sodomy, sexual bestiality, masturbation, sadism, masochism, excretion or lewd exhibition of the genitals, and

c) considered as a whole it lacks serious literary, artistic, political, and scientific value. Predominant appeal shall be judged with reference to ordinary adults unless it appears from the character of the material or the circumstances of its dissemination to be designed for children or other specially susceptible audience.

The amended statute, however, presents several interesting problems and deviations from Miller. Under Miller test B with the Court's "plain examples" of what may be regulated by a state statute, depictions of sadism and masochism are not mentioned, and are seemingly outside the scope of permissible regulation by the states, possibly rendering the new statute overbroad and therefore unconstitutional.

The New York statute, as amended, under test C reads that material is obscene if it lacks serious literary, artistic, political, AND scientific value. Miller reads "OR scientific value." This is probably an error in draftsmanship, but how is this error to be corrected? By the Judiciary, or by the legislature?

The guidelines arising from the amended statute have not yet been litigated, but the questions are being raised in pending cases, and either the courts or the legislature should provide the answers soon.

... Judge Wright

(Continued from Page 3)

should a different viewpoint on one's sexuality be so strongly condemned?

By my observation I have arrived at the conclusion that judicial schizophrenia has set in, with the desire to co-exist with pornography and the desire to eradicate its forming in one body. As I left the Judge's Chambers I remembered an apt quotation, "the judge is but a charioteer trying to bring two unruly horses in some semblance of order. The two horses: Law and Reality."

... The Police

(Continued from Page 3)

ized crime is in anything that returns large profit on minor initial capital investment. It is in pornography not because it is evil but because it is profitable. He stated if selling "baby bottles brought huge profits the mob would sell them." He summarized by stating he had no doubt organized crime controlled every facet of pornography from the making of films to the final sale. His sources as to these claims could not, for obvious reasons, be disclosed.

In discussing the problems of enforcement of the obscenity laws, the Inspector stated the greatest problem was the court system. He had some unusual and creative ideas. First, he said the judges in Manhattan who try most obscenity cases are both inferior in general and insulated in particular. Manhattan, unlike most boroughs, lacks a true "community." The complaints come from areas around schools and from diversified areas, while the cases are heard by political appointees in the sterile atmosphere of Centre Street. Even if the judges wanted to, how could they interpret the "community standards" test of the Supreme Court? Is it Harlem, the lower East Side, Times Square? When pressed for possible solutions, the Inspector suggested that the courts be run out of the high schools where the people affected can have an influence and "put some human pressure on the judges." Peterson warned that revolution is fathered when the courts begin to move away from the people and no longer respond to their needs. Decentralization would solve a major weakness in the Criminal Court System, in his opinion.

Another problem discussed was lack of cooperation given the Police Department by both the judges and the District Attorney's office. To prove his point, I was shown the minutes of meetings of the Times Square Improvement Commission, which Police, D.A. and other concerned parties are requested to attend. The Commission meets once a month and has existed for 2 years. The records show a representative from the D.A.'s office has attended only 2 meetings in the 2 years. Judges, when requested, after a complaint, to review confiscated material, often fail to do so, leaving the Police Department between the angry complainant and the uncooperative judicial branch.

When asked for suggestions he could give to a complainant, Peterson stated that the most powerful weapon for dealing with obscenity is economic. If a group is incensed, picketing and calling attention to an establishment usually discourages the businessman or curious adolescent from entering. This will have more effect on the proprietor than any amount of Police intervention.

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Consumer Law

Focus on Funerals

by Jim Pagano

This is part two of an article dealing with the growing field of consumer law in the state of New York.

An industry which came under much criticism from the public was the funeral industry. Unscrupulous directors, taking advantage of a person under great emotional stress, were charging unconscionable amounts for funeral arrangements. The bills presented contained a lump sum figure. The consumer never knew what the specific charges were. Section 3440-a of the Public Health Law upheld in "State of N.Y. v. J. S. Garlick Parkside Memorial Chapels, Inc.,¹³ requires that a funeral director furnish an itemized statement of funeral expenses in advance. Effective January 15, 1975, funeral directors must disclose to prospective clients the model name or number of the casket and out-



Jim Pagano
Executive Editor

er receptacle and the name of its immediate supplier. This was upheld in Curran Funeral Home v. Hollis S. Ingraham, Comm. of Health of the State of New York.¹⁴ In the opinion, Mr. Justice Korn stated that in light of the circumstances:

"The amendment at issue is clearly a reasonable and proper regulation to assist the Com-

missioner of Health in supervising the funeral industry and in preventing price gouging."¹⁵

New York realized that by garnishing the wages of its poor, many would not be able to survive. By amending two statutes¹⁵, the minimum wage upon which a salary may be garnished for non-payment of debts is \$85 per week. The holder in due course doctrine has been weakened in New York. Previously, if a third party finance company was a holder in due course, the consumer could not assert certain defenses, available to the consumer against the seller, against said finance company. Now, consumers can assert their defenses against said finance companies, with respect to the amount still due and owing under the contract. Such defenses include breach of warranty, fraud and deception.

As can be seen, much is being done and much more needs doing. Someday, perhaps David will knock Goliath down to his own size!

Footnotes available on request.

Tips On Taking the Bar From One Who Knows

by Bernard Marc Mogil
Class of '74

I remember vividly the visceral discomfort that accompanied any thought of the upcoming Bar Exams while I was a senior at New York Law — even during "regular" exams, our thoughts were elsewhere ("... but is this glop going to be on THE exam. ..."). And I remember all too well the endless stream of suggestions, comments, advice and warning from all asundry manner of soothsayers. If I'm not mistaken, all of it was contradictory, and most of it ran against my nature.

I of course made the same mistakes that all of my classmates were prone to in times of such outrageous pressure and demands to pass on the first shot. However, my trepidations were geometrically magnified, as I had somehow sucked myself into registering to make both

the New York and Florida exams within earshot of each other. So, if nothing else was accomplished during my tenure at New York Law, I deem myself an expert at taking a Bar exam without going batty. And the non-pornographic thoughts on such an experience may be noteworthy for the attentions of seniors. So, while it is early enough before July for some things to actually mean something, I herewith offer my pearls of wisdom for your consideration:

ONE. No matter how high you rank in the class, and no matter how bright you think you are, you MUST take one of the Bar Review Courses after you graduate. It is unfortunate that what you are taught in law school will alone not enable you to pass the Bar — that exam is designed to test certain fact patterns and writing skills, and aside from a very few courses (such as "Wills" as taught by Professor Arenson), you will almost certainly fail without a course. (Just because, coincidentally, I was the agent for Marino does not mean that it will be better for you over the other courses — it just turned out that way for me and many others).

TWO. Until the course begins in June, don't touch a Bar Review book, and don't sit in on advanced taped lectures — it will only lessen your motivation when the final push starts, and you'll need every ounce of motivation and energy. Because when the course starts, you must eat, live and breath it. Your john should have Torts on the floor, your car should abound with UCC, etc. Half the battle (at least) is a psych-up — if you succeed, you're more likely to pass.

THREE. As there is an element of luck in the venture, don't hurt yourself by writing like a chicken. If necessary, PRINT on the essays. If the examiner can't EASILY read your paper, it is likely that he may not read it AT ALL — and that means a zero out of ten. Spend most of your time thinking before attempting to even touch your old quill... write an outline, and only write when you're certain you won't change your mind on the outcome half-way through your response. You wouldn't believe how much that happens.

FOUR. Finally, the night before the Bar Exam, relax. Retire early, see friends — (NOT fellow law students), And after the first day of the exam, do what several of us did while sitting at the Commodore Hotel — we had a nice slow dinner, and then went to see a very funny and high class X-rated porn flick.

It comes down to relaxing when you sit down. And it will do you absolutely no good to be so panicky that you write a decent paper, and then throw up all over it before you're about to hand it in, making it totally illegible with only 2½ minutes to go. (That's happened too).

Sure, it's important. Sure you are worried. Everyone feels exactly as you do. But you can get the edge on the mass if you walk in knowing you're prepared, under control, and show you think like a lawyer.

And it will be a long summer waiting for results... but it will all be worth it.

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'My Way'

by JIM PAGANO

"And now, the end is near and so
I face the final curtain . . ."

MY WAY

It is very difficult to write a good-bye column. It is equally difficult to say good-bye. In my three years at NYLS, we have gone through many changes. The things which seemed so vital then, seem so insignificant now. The things which seemed so distant then, are upon us now. These changes have left their mark. But, it was worth it.

I am very grateful, because I'm to be a member of the legal profession. In a few months, hopefully, I will be admitted to the New York Bar. I have made many new and different friends. I have had the chance to do things which are very valuable. But, I know things here could be much better, if we all work together. The following observations are made in the hope that my experience can help you to make things better.

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. To the newly elected SBA, I hope that you will be forceful when force is necessary; tolerant, when tolerance is required.

To the student body, I urge you to channel your collective energy and talent in a proper and meaningful direction. Don't be so quick to fly off on 'well intended but non productive' tangents. Although you are cast into an adversary situation, more is accomplished by working together for a common good. Learn how to direct ego toward positive action.

To the present first year class, I urge you to allow your leaders to act as a conduit to regulate your drive. Convert your restlessness into positive output. To the second year class, don't despair. Despite the present economic situation, your work here will pay pay off, sooner than you think. But, push for placement!

To the faculty, I thank you for giving us the tools and helping us develop them. Law school can be an enjoyable

(Continued on Page 12)

Touro College Law School To Stress Jewish Tradition

by Anita Miller

Touro College, a small unaccredited college located in midtown Manhattan, plans to open a Law School in September of 1975. The Law School has as its Director of Planning Eugene V. Rostow, former dean of the Yale Law School and Under Secretary of State in the Johnson administration. Touro, named for one of the first Jewish settlers in America, is a secular college formed under Jewish auspices. Its law school, in addition to offering the traditional law curriculum, will also emphasize the contribution of the Jewish legal tradition to contemporary legal systems.

Touro hopes to establish a Research Institute of Jewish Law in the law school, and in this regard, to make a singular contribution to American society through directing its emphasis to the Jewish legal experience. Touro faculty members will be affiliated with this Institute, which will also host visiting fellows. Lawrence Kobrin, Associate Director of Planning for the Law School, stated that the Jewish tradition of civil law and mercantile law, by which the Jewish people governed themselves for centuries should be re-examined in terms of the input which it might provide for contemporary social problems. Jewish Law is one of the oldest legal traditions, and yet it fell into disuse, after the French Emancipation. Even Israel, which follows the English Common law, refers to the Jewish Law only in rare situations. The Jewish legal system has no dichotomy between law and equi-

ty, between a moral duty and a legal duty. At a time in American history when events have disclosed a gap between law and morality, examination of the Jewish tradition might provide an alternative approach to the problems facing the legal profession, legislators, and all who seek to govern.

Touro will be open to students and faculty of all religious persuasions, and hopes, by attracting a varied faculty, to explore other non-Jewish legal traditions such as Canon Law. The study

of alternative legal traditions will be pursued in seminars, mainly by upperclassmen, but it is expected that the faculty will introduce concepts of Jewish Law into the traditional courses which are required of all law students.

The Law School will be located at 30 West 44th Street, in the former home of the Yale Club. The building was given to the college as surplus government property. It was sought by Columbia University and City University, and it is believed that Touro was successful in obtaining the building because its Board of Trustees included Jacob Javits, Emanuel Celler, for whom the Graduate School of Law will be named, Abraham

(Continued on Page 12)

SBA PRESIDENT

A Three-Year Voyage

Joel Weinstein

Entering the law school three years ago, I felt as if I were embarking on a voyage through uncharted waters. Ahead lay a personal odyssey to be shared by a large crew of landlubbers. Nausea began as the first mates were called to watch and we each inferred from the normal malignancy of the Law School Experience unwelcome stomach-wrenching personal attention. First impressions were dominated by perils of the sea — going down on reefs named Torts or Contracts, always more concerned with being a survivor than a scholar.

(I have been an enthusiastic sailor for some time. The sport has yielded almost unimaginable thrills and relaxations. Whether it's an idyllic vacation cruise around the Vineyard or the West Indies, a sleepy afternoon on a quiet bay, a cut-throat race to test efficiency, in boats large and small, or even a confrontation with nature's fiercest horrors as a storm invades an ocean passage, that sport offers it all. As I compose a final column, it should come as little surprise that my mind's eye sees boats where there are buildings.)

The hassles of year one were sadly compounded by sensing that the ship was an old one, obviously in serious need of repair, while the owners were content to overlook the leaks springing up everywhere in an effort to preserve past glories. But year two brought with it a new captain who commanded the long overdue overhaul. For the first time in decades, the glories of tomorrow were preeminent, and as the crew began getting their sea legs, anxieties began to dissipate. No longer did each exam threaten to break over the bow and scuttle us. No longer did the sickness accompany each call to active duty. As the first year was floundering, the second year was building and exploring.

(Whenever on board with a more knowledgeable skipper, its best to submerge your own feelings and locate yourself in an observant back seat. This is a political confession. As long as the ship was being rebuilt and expanded, new courses being plotted and prestigious inspectors to be satisfied, a judgment was made not to complain about the comfort of the pipe berths or the quality of the rations more than absolutely necessary. Trying to keep the crew content without constantly diverting the commander from his weighty tasks may have been a serious error, but accord with the lofty goals seemed to justify it. Since the route has gotten us afloat again, it may have been worth it, although not beyond criticism.)

In any event, by year three, we in the crew began to feel like sailors, and looking to sign on to another vessel. Berths are scarce. At first you hope to book passage on a luxury liner, but as time wears on, the Merchant Marine or even a tramp steamer will do just fine. The bulk of the year is spent making plans and packing a few new skills.

(I have seen a hurricane in the Atlantic. Force 10 winds and fifty foot waves breaking 400 miles from anything. We struggled for three days and nights just to be able to see the sun shine again. Food and sleep came only in very small installments. Everything was wet, moving violently, and with neither a horizon nor stars to shoot, navigation is impossible. In such conditions, you must assume that you're lost. Fifteen minutes of manic gyrations at the helm proved to be all a body could stand, with muscles screaming from places never before heard from, but since any mistake could well be the last, all seven of us fought on. There are some experiences which, in control of your senses, you would never undertake, but for the fact that having them behind will change you forever. No, you wouldn't do them again, but of course, you no longer have to. The pride and self-respect is there.)

So, as the beam of the tower off Bermuda becomes visible just before dawn, knowing for the first time in days that safety lay just beyond, the date of graduation looms gratifyingly near. Suddenly you begin to feel like you know why you did it, and that it was worth it. But there is no logic to reveal why we didn't perish. We offset some of the odds with tenacity and teamwork, however that can't explain it fully. So you grab at what you can, and I like to think that I made it only because of the people around me. One must feel glad about being a survivor once again. For me, what will stand as most significant was having had the opportunity to meet and work with so many extraordinary people, and having the privilege of calling many of them my friends. Since doing it alone probably wouldn't have worked, and certainly wouldn't have been worth it, I can say it was a pleasure being aboard. (And a special thanks to the many who got me through.)

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Ford Joins in Honoring Judge Froessel

(Continued from Page 1)

and was its acting dean in 1968 and 1969.

Mr. Thornton and Dean Shapiro were in total agreement with some of Judge Froessel's classmates at the School, who were reunited at the dedication ceremony, that Judge Frossel has never let his mind wander far



from thoughts of the institution where he won his law degree.

"New York Law School has been constantly on his mind from the day he entered, through his graduation and during and after



Touro: New Law School Announced

(Continued from Page 10)

Beame, and others well known to the New York political and economic scene.

Touro is in the process of acquiring a law library, having appointed the librarian of Touro's College of Arts and Sciences to administer the Law Library as well. Touro appears to be well endowed, although its recent excursion into the sale and lease-back of nursing homes with Eugene Hollander, Chairman of Touro's Board of Trustees and a principal donor to the College, opened the College's financial policies to criticism. One donor has reneged on a pledge of 1½ million dollars, as a result of Touro's association with the nursing home scandals, and litigation is currently in progress by the College to secure these funds.

Despite the adverse publicity concerning its financial affairs, a recent Touro press release stated:

"The Board of Trustees of Touro College . . . has established a special fund which should be ample to assure the financial stability of the Law School during its early years, and has given firm assurances that the School will have funds for its library and research programs



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GERALD R FORD

NNNN

his time on the bench. He has a deep love for New York Law School, and we, in turn, students, faculty, graduates and trustees, have an abiding affection for him which we are expressing through the dedication of this library today," Mr. Thornton said.

Mayor Beame asserted that he was pleased to join with those who were honoring Judge Froessel, commenting that Judge Frossel had been an outstanding jurist, an exceptional lawyer, and a dedicated public servant.

Clinics... Dean's Day

(Continued from Page 2)

six to ten hours of field work required in the clinics, in addition to the two classroom hours a week for the 4 credits awarded for the course.

Dean Davis stated that he believes that every student should take at least one clinic during his second or third year. North America, stated the Dean, is the only area in the world that lets lawyers loose without apprenticeships. Our country suffers, believes Dean Davis, because American attorneys are not prepared for the problems of practice when they leave academic institutions. The Clinic program is the best solution to the improvement of American legal education to date, but it can only become institutionalized if students choose the clinic route in planning their academic programs.

After the shock of the first round of finals, this writer still feels a twinge of anxiety, as well as the temptation to "play it safe," calculating both courses for the Bar and courses which have a reputation for being easier, in planning a program. But even this superficial survey of the current clinic offerings has convinced me that we will be shortchanging our own legal education, as well as thwarting the school's efforts to elevate its standing in the legal community, if we don't commit ourselves to at least one experience outside the lecture hall in the semesters remaining.

Surrogates' Court, N. Y. County.

The highlight of the Luncheon Program will be a tribute to Harry Ostrov, a former President of the Alumni Association, a graduate of 1925, and recipient of the Distinguished Alumnus Award for 1975. The presentation of the award will be made by the Honorable Charles W. Froessel, former Associate Judge of the Court of Appeals, and a former recipient of the award.

The schedule for the program is as follows:

9-10 a.m. — Registration, Shaeberle Hall, 41 Park Row. Coffee and Danish Pastries will be served.

10-1 p.m. Surrogates' Panel, Shaeberle Hall, 41 Park Row. Discussion of 100 questions relating to Estate Practice and Procedure.

1-3 p.m. — Luncheon, Student Center, Level B, Pace University (new building), 1 Pace Plaza. Presentation of the Distinguished Alumnus Award.

3-4 p.m. Cocktail Hour, Student Center, Level B, Pace University (new building) 1 Pace Plaza.

The registration fee is \$10 per person. Students are invited free as guests of the Alumni Association, but they must pre-register by filling out the appropriate forms that are available at Professor Seitel's office.

'I did it My Way'

(Continued from Page 10)

experience. Really! Exams and grades should be a learning experience and not an ego trip.

To the administration, I applaud your efforts and accomplishments to date. However, the AALS should not be an ending, but rather a beginning. Students on the admissions committee are very important, but a full-time placement office is vital.

To the alumni, I offer the following thought. NYLS made you what you are today, an attorney. I believe we all possess a moral obligation in this regard. Whether economic, placement, or advisory support, I urge you to support us. Such support speaks to your status as a professional and will, in the long run, speak to the value of your diploma.

I would be remiss in not saying a special thanks to two very important groups of people, the second floor assistants and the maintenance crew. Both of you made my stay here much more enjoyable.

Please let's move on and make the necessary changes. But, let's not change, just for the sake of change. If it works, let it be. If it doesn't, let us all — students, faculty, administration and alumni alike, make it work.

"The record shows, I took the blows and did it my way."

MY WAY

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