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The New York Law School

REPORTER

Vol. V Issue I •

• Sept./Oct. 1987

Thurgood Marshall Compares No Bail Law to Police State

Civil liberties in the U.S. took a beating May 26, when the Supreme Court upheld the constitutionality of a 1984 law mandating preventive detention.

Dissenting Justice Thurgood Marshall called the decision "an ominous exercise in demolition" of the Constitution. The ruling allows federal courts to ignore the Fifth Amendment's prohibition of imprisonment without due process and the Eighth Amendment's guarantee of bail before trial. By a 6-3 majority, the court ruled that "the government's regulatory interest in community safety can, in appropriate circumstances, outweigh an individual's liberty interest." In an opinion that sent shivers through the civil liberties community, Chief Justice William Rehnquist ruled "we cannot categorically state that pretrial detention offends some principle of justice so rooted in the traditions and conscience of our people as to be ranked as fundamental."

In his scathing dissent, Marshall described the preventive detention law as "consistent with the usages of tyranny and the excesses of what bitter experience teaches us to call the police state." Marshall accused the majority of engaging in "an exercise of obfuscation," of being "disingenuous," and of allowing "im-

prisonment upon prediction."

He further noted "throughout the world today there are men, women and children interned indefinitely, awaiting trials which may never come or which may be a mockery of the word, because their governments believe them to be 'dangerous.' Our Constitution, whose construction began two centuries ago, can shelter us forever from the evils of such unchecked power. Over 200 years it has slowly, through our efforts, grown more durable, more expansive, and more just. But it cannot protect us if we lack the courage, and the self-restraint, to protect ourselves. Today a majority of the court applies itself to an ominous exercise in demolition. Theirs is truly a decision which will go forth without authority, and come back without respect..."

The decision continues a 15-year trend in which the Supreme Court has sided with prosecutors against defendants. Earlier the court upheld the death penalty; despite a conclusive demonstration that murderers of whites are more than four times more likely to be sentenced to death than murderers of Blacks. Center for Constitutional Rights attorney, William Kunstler, recently told the *Guardian* that in analyzing the

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Draft Resister, Law Student, Gets Three Years

MADISON, WIS—A University of Wisconsin law student has become the only American in prison for refusing to register with the Selective Service System.

Gillam Kerley, 26, who entered a plea of "not guilty by reason of sanity," was sentenced to three years at Leavenworth Federal Penitentiary and fined \$10,000. He faced his five year battle pro se.

Kerley served as the executive director of the Washington-based Committee Against Registration and the Draft (CARD) and is a member of the National Lawyers Guild.

While sentencing Kerley, Judge John Shabaz cited Kerley's "continuing criminal activities" in "aiding, abetting and encouraging" other draft resisters. A charge not submitted by the prosecution or substantiated by the evidence.

The law, of course, requires all 18-year-old males to submit their names and other information to Selective Service, which runs the U.S.'s military drafts.

There is no draft now, but registration opponents say the 1978 registration law makes a draft possible and encourages the U.S. to risk war.

CARD's acting executive director,

Zoltan Grossman, said the judge was attempting to make a political example of Kerley to intimidate other anti-draft organizers.

John Russell of the U.S. Department of Justice denied the government "singles out those who are vocally against registering for the draft." Selective Service "randomly picks people to see if they are registered," said Russell, "and Justice has no stepped-up effort to prosecute. We try to encourage people to comply."

Discovery that took place during the proceedings showed that hundreds of people who did register never showed up on the government's computers. This means that those who don't register but keep quiet about it have an extremely good defense as well as great chance of never being discovered.

Grossman said CARD has applied to Amnesty International and the United Nations Commission on Human Rights, urging Kerley's adoption as a prisoner of conscience. CARD has initiated a "campaign to free Gillam Kerley."

The next week some Green Bay Packers convicted of rape were sentenced—to six months.

BALLSA: A MINORITY PERSPECTIVE

As we all know, life at law school can be very difficult. The pressure of a new learning experience together with the burdensome workload can be crippling to even the best of students. These factors combine to present a challenge like no other. For the minority student, the challenge is even greater when trying to cope in an unsupportive environment. No matter how well prepared one is, nothing can prepare a minority student for being one of three Black or Latino students in a class of approximately seventy students. The problems of minority students are better understood by other minorities and it is upon this premise which B.A.L.L.S.A. is founded. It is naive to sit back and wait for others who have little or no interest in the needs of minorities to effectuate change in order to address those needs.

B.A.L.L.S.A. is a member of the National Black Law Students Association (NBLSA). Currently, NBLSA has a Black Law Students Association chapter at almost every ABA accredited law school in the country. These chapters represent over 8,000 minority

students in six regions throughout forty-eight states and Puerto Rico. Presently, NBLSA is the largest national Black law students organization in the United States and is recognized nationwide. NBLSA was created to articulate and promote the professional goals and needs of Black law students, to foster and encourage professional competence, and to focus upon the status of the Black attorney in the American legal structure, both on a national and local level.

The B.A.L.L.S.A. chapter at NYLS is dedicated to realizing these goals for its members. As prospective community leaders, B.A.L.L.S.A. tries to instill in the law student a greater awareness and commitment to the needs of the minority community. Participation in our organization requires each member to donate a portion of their time and energy to assist those who need academic and social and or emotional support.

B.A.L.L.S.A. is also committed to promoting minority awareness, pride,

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Appeals Court: Give Private School Students Due Process Hearings Before Suspension

In a decision that could affect students who protest at private colleges, a federal appeals court said Hamilton College in New York must offer judicial hearings to 12 of its students before disciplining them for participating in a sit-in.

Hamilton had suspended the 12 students who, in the series of racial tension outbreaks on American campuses last fall, had sat in at a campus building to try to get college President J. Martin Charovano to talk to them about black students' complaints.

The appeals court decision, Carovano said Sept. 11, would give colleges "less discretion" in disciplining students.

The court, which voted 2-1 in favor of the students, said Hamilton's disciplinary policy—written specifically to comply with a 1969 New York State law—violated the students' constitutional rights to due process.

The court said in *Albert v. Carovano* that "there is little doubt that Hamilton would ever have adopted the new regulations and the policy reflected therein had it not been required to do so by the state."

The case, said the students' attorney,

Michael Krinsky, could be used as a precedent in other states if there's evidence of "state influence or coercion on how to handle student protest."

"We successfully argued that the Constitution's due process clause gives the students the right to a hearing" before they are punished, Krinsky said.

Because they are state agencies, public schools have long been required to grant hearings in disciplinary matters. The Hamilton case, Krinsky said, established that right for private college students if their schools have links to the state.

"In a broader sense, colleges must be truly independent of the state if they want to avoid extending constitutional privileges," Krinsky said.

The court, according to Krinsky, also ruled the school violated federal civil rights laws by singling out black students—and white students active in civil rights issues—for "undue punishment."

"I consider the Court of Appeals decision a significant step forward in having Hamilton College deal with student protests in a fair and responsible fashion and

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COMPACT DISKS: WHAT'S HOT

Jennifer Warnes/
Famous Blue Raincoat/Cypress Records

First a word about Cypress Records. This label was established for one primary reason: There was no one out there catering to the baby boom public. These are the people with the "money" and no label has been hip enough to realize that, these people made the record business what it is today. Finally, along comes Cypress. This label has plans to appeal to the adult contemporary market, and comes up with a perfect release for Jennifer Warnes. This release is a tribute to song-writer Leonard Cohen. Recorded in full digital sound, this disc sounds amazing. Warnes, you may recall, was the female vocalist along with Joe Cocker on "Up Where We Belong".

Her voice comes through beautifully as do her musicians. Leonard Cohen even sings a duet with her.

The overall feel of the disc is something from the 60's, yet it has an 80's dimension due to advanced recording technology. For the most part the songs fall on the mellow side (not very surprising if you know anything about Leonard Cohen) yet there are a few rockers as well. If the rest of Cypress' releases are as good as this, there may be a new power house label competing with the

"big boys". Recently Cypress released Lp's and discs by Jesse Collin Young, Tim Weissberg and Wendy Waldman.

Frank Zappa and
the Mothers of Invention/
We're Only in it for the Money;
Lumpy Gravy/Rykodisc

Here is another label seeing some success as an all-disc label. They recently struck up a deal with Frank Zappa to release his whole catalogue.

This disc is a steal for two reasons: First, they give you two albums for the price of one, and Secondly, the music is as nutty as you can imagine. Frank Zappa appeals to a select few but the man is a musical genius. *We're Only in it for the Money* is Zappa's answer to The Beatles *Sgt. Pepper* Lp. This is not to say there are any similarities between the two. Zappa's Lp's for the most part are made up of interesting songs, bizarre lyrics, hysterical lyrics and great musicianship. The great thing about him is he could care less about what the public thinks—he just has a great time recording his music, and if it sells... it sells.

Lumpy Gravy, the second Lp offered here is wild! There are wonderful melodic instrumental themes intermixed with bizarre dialogue. Remember this is not fireside music here. These are

vintage Mother's albums that need not really be defined. Both these recordings were done in the 70's and sound it, but if you are in the mood to laugh and be entertained musically as well, this is for you. Pop this CD on and cook yourself some *Herrings with Refried Beans*. Don't forget the Pinot Grigio.

Poncho Sanches/Papa Gato/
Concord-Picante

Salsa and plenty of it! If you are a fan of Latin jazz, or just great sounding percussion, Poncho Sanchez will satisfy your needs. This percussionist started his career with Cal Trader, and has gone straight up from there. Pancho has made two discs from Picante, including this one. The sound quality is clean and the musicianship is perfect.

If you are satisfied with this disc, try El Conguero, Pancho's first disc for Picante. The feel of Sanchez's group is more toward big band, however, it is not swing by any means. Expect to hear terrific dance music at its best in the tradition of Latin Jazz. On a clear day one can see Miguel Maza doing the salsa in the library while listening to Papa Gato on his walkman.

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Deadline
October 25**

No Bail Law

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death penalty cases, Alan Dershowitz of Harvard University Law School, referred to the court majority as a "lynch mob." "Last week's preventive detention decision," Kunstler continued, "proves the validity of that comment."

The ramifications of the Supreme Court's decision are widespread, not only for those suspected of committing federal crimes, but for those who are suspected of committing state crimes as well. Currently, 24 states have pretrial detention laws, and the court's decision paves the way for those states to strengthen existing laws and for other states to adopt them. The court's decision upheld the 1984 Bail Reform Act, which mandates pretrial imprisonment of defendants who might threaten "the safety of any other person in the community." Passed with broad bipartisan support as an election-year "anticrime" vote-getting effort, the Bail Reform Act made sweeping changes in the way federal courts consider bail applications.

The government's widespread use of the preventive detention law began within one week of its passage, when federal prosecutors in New York City proposed to keep Coltrane Chimurenga in pretrial detention. The government charged Chimurenga, one of the so-called New York Eight, would be held

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Long arm of the law board

Law school grads grind for the big one

By GAIL COLLINS
Daily News Staff Writer

An unidentified student walked into the BAR/BRI law board preparation lecture at Town Hall the other day, flashed a "V" sign and then vanished, grinning, forever.

Thanks to a change of heart by law board graders, he and 29 other summer flunkies had been rescued from a winter of four-hour surveys of contracts, torts and suretyship.

"Can you imagine that? It would be like winning the lottery—my God," breathed Fred Tecce. A recent emigre

CITYSCOPE

from Pennsylvania, Tecce is taking the boards for the first time this month, and thus has no hope of a last-minute reprieve.

The Happy 30 missed passing the summer boards by a single question, and were salvaged by a persistent fellow victim who convinced the Board of Law Examiners that multiple choice question 28 had two possible correct answers.

"It took me weeks to realize I wasn't going to have to take that test again—and that I would never have to sit through another review lecture!" said one of the 30, who is now tending bar and requesting anonymity.

Wrinkled warriors

Last Friday night, hundreds of less fortunate young men and women—dressed for success but wrinkling rapidly—were slumped in the plush red seats at Town Hall

on W. 43d St., stoically contemplating the prospect of a four-hour review of the wonders of commercial paper.

"This is terrible," said Janet Ramusack, 29, who had been napping on the shoulder of her seatmate, Phil Levine.

"We knew each other before," explains Levine. "This is not a bar exam romance."

Preparing law school graduates for the bar exam is a mini-industry. BAR/BRI, which rents Town Hall for its lectures, draws about 4,000 local customers a year for summer and winter sessions, at up to \$825 a head.

The winter classes, veterans say, are much bleaker than the summer ones. "They laugh at your jokes more in summer," says BAR/BRI director Stan Chess.

Most winter students work all day, go to lectures all evening, and spend Saturdays at the office. "During the week we can only put in seven to eight hours a day, which is not enough for a law firm," said Ramusack. On Sunday, she added grimly, she returns to Town Hall to watch movies of missed lectures.

The winter crowd's depressed mood is not improved by a heavy concentration of summer bar exam casualties. No one's spirits appeared to be elevated by



STAN CHESS lecturing law school grads preparing to take bar exam.

JOHN ROCA/DAILY NEWS

the discount rates for repeat customers.

"The last place they want to be is Pieper's course," says John Pieper, who runs another popular lecture series. "It's almost like going to a 42d St. peep show. You don't want to be seen."

To motivate the flunkies, Pieper says, he points out: "How fortunate they are. There are a lot of people who never got into law school."

Sagas of students rescued from disaster or plunged into despair by errors in grading the law boards are a popular topic at Town Hall these winter evenings.

There was, for instance, the dreadful time a computer error was uncovered, giving 35 new people a passing score, and causing 28 others who thought they were already lawyers to flunk retroactively.

"That was 1980—it was DEVASTATING," said Pieper, who had a lot of trouble

psyching up the victims. ("Those students had peaked.")

Chess, whose students have included retired Weatherwoman Bernadette Dohrn (who passed the first time out) and Robert Kennedy Jr. (who didn't), says the very worst story about bar exams he ever heard happened in Vermont.

The scene, he says, was a cocktail party, where two lawyers who served as graders for bar exam essay questions were having a casual conversation.

"Suddenly one of them says: 'What do you mean 10 is the high score and zero is the low score?' For five years, it turned out, he'd been grading every paper backward."

DAILY NEWS

Monday, February 2, 1987

NEW YORK'S PICTURE NEWSPAPER

because he was engaged in a conspiracy to commit three armed robberies, conspiracy to commit three prison escapes and various weapons offenses. The courts turned down the pretrial detention motion in Chimurenga's case.

Chimurenga and his codefendants were ultimately acquitted of all conspiracy charges against them. They were sentenced to terms of probation and community service on weapons and possession of false identification charges. More recently the U.S. Court of Appeals for the Second Circuit has denied bail to two Puerto Rican patriots in "preventive detention" since August 1985. By the time they are actually tried, they may have spent three years in prison.

New York's Secret Police Files Opened

For over 75 years, the New York Police Department's Intelligence Division spied on New Yorkers involved in completely legal and peaceful activities. They infiltrated meetings, broke into homes and offices, and sabotaged jobs and lives. In the process they collected 1.2 million index cards, files, photos, and films on a quarter of a million New Yorkers. These files have now become subject to public disclosure.

The disclosure process covers files from 1955 through Dec. 1, 1986, and is part of the settlement of a federal civil rights action entitled *Handschu v. Special Services Division*. A brochure describing the settlement and the official form required to obtain the files are available from the Com-

mittee Opposed to Police Spying (COPS). The form is also available at Police Headquarters.

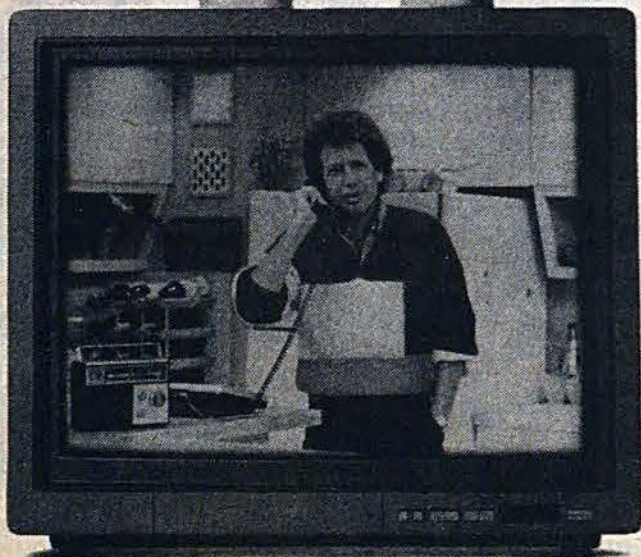
Individuals may apply for their own files; organizations presently in existence can make one application for their organizational file, which must be made by an authorized representative. Any person who was a member may apply for the file of an organization which no longer exists.

These special disclosure provisions are in effect December 1, 1987 for files from 1960 to Dec. 1, 1986. Files prior to 1960 are subject to the New York State Freedom of Information Law (FOIL), and a sample application is available from COPS.

After the search period, the police may do one of two things with the files. They can keep them and legally destroy them later, once the city's chief archivist and head lawyer approve, or they can send them to the New York City Department of Records and Information Services (the Archives) where historically significant files will be preserved and continue to be accessible under the State Freedom of Information Law. But, the archivist may approve the destruction of files he does not feel are historically significant and we cannot be sure what criteria he will use. If you want any files you should act now.

COPS can be contacted at 145 West 4th Street, New York, NY 10012, Tel. (212)477-0022. If you do receive any files COPS and plaintiff's counsel would be grateful if you would share them by contacting COPS.

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THE REPORTER, which is published periodically during the academic year, has an opinion column entitled "VIEWPOINT." Persons interested in submitting a written opinion for this column should label it "VIEWPOINT" and submit it to **THE REPORTER**. **THE REPORTER** reserves the right to edit all material accepted for publication.

College Press Service Subscriber

Some articles from Movement Support Network of the Center for Constitutional Rights in Cooperation With the National Lawyers Guild.

Lemon Law Arbitration

A New Yorker had his 1985 Volkswagen Jetta in the repairshop eight times for a total of 50 days to repair a transmission-related leak. He filed for arbitration and received an award of \$12,200.

Massachusetts and New York are the most recent states to enact lemon laws that make available American Arbitration Association-administered arbitration to new-car owners who think their automobiles are "lemons," as defined in the law. Owners and others with similar car troubles are now enjoying what buyers in the past only dreamed about—a full refund or replacement for new cars that turn out to be clunkers.

The consumer is required to pay a \$200 filing fee. This fee is added to the award if the customer wins.

By the end of May, 834 cases had been filed with the four AAA New York regional offices, and 171 awards had been rendered. Consumers received either a refund or a replacement vehicle in 118 of those cases.

Persons wishing to participate in the program as pro bono arbitrators must attend a training session. The sessions, which last about two hours, are conducted frequently at various locations throughout New York State. To participate, contact any New York State AAA regional vice president or Susan Bieber of the Attorney General's Office (212-341-2324).

The item above has been excerpted from the Arbitration Times of the American Arbitration Association.

VIEWPOINT: Welcome to New York Law School

by Rick Landman

Being a midyear student, I will be graduating at the end of this semester. As my gift to the incoming class, I thought I would share my impressions of the NYLS experience. Hopefully this might help to promote some continuity of progress.

Overall NYLS can offer a great educational experience, but it takes a lot of prodding. Take registration, for example. Your first year and a half is a cinch. The School will coordinate and prepare your schedule. However, it is a great challenge for you to get your desired courses for the next year and a half. First you must be sure that the final and course times don't conflict with each other. Then, if you find some electives that fit your schedule, you find to your dismay that the course is closed and may not be available during your final year. If you find out that the course is given, it will be at the same time as some other course that you were waiting for. Maybe the course is given at night and you find that you cannot take more than four credits after six o'clock. So, if you cannot take the course that you're interested in, you can always take something that no one else wants. For example, it is ironic that the Landlord-Tenant course (usually closed out to 2nd year students) and New York Practice Course (a course desired by graduating students and good for the Bar) are given at the same time.

Finals can be fun too. The school has two weeks to give all finals. However, some time slots are left open while other slots test three or four upperclass classes. I always wondered why the tests could not be spread out more, having first year and upper class courses during the same time slot, with no two upper classes conflicting. Why not have tests given at the course's regular meeting time?

The clinics, internships and clerkships may be the most rewarding educational experiences. They will take many more hours of your time, but are encouraged. So much so, that the school only gives you 2-4 credits, with 2 credits not graded (Pass/Fail). Even though your voluntary 15 hours per week are from 9 - 5, they do not count towards daytime classroom credits. So when you want to take those night-time elective classes, you will be told that you do not have enough daytime hours.

The Placement Office really does try to help. It is a good resource to use.

However, the on-campus interviews best serve those in the top 15 per cent, but I suppose that is to be expected. But the office will help anyone if you give them a chance.

Staff in the financial aid and registrar offices also try to help, with the final caveat: these are the rules, we don't make them, we just follow them. Whenever a rule seems arbitrary and to educational in nature, you may be told "It's not in the school's discretion." If you research the cited rule, it is often in the school's discretion. It's the old: "The Buck diverts here."

The library can be a great resource, and learning how to fully utilize it can be one of the best career moves that you make. The library staff is very helpful and informed. The computers (Westlaw and Lexis) are generally accessible. However, the books you may be seeking are probably lost or stolen. There is a problem with missing books. This is especially a problematic during finals when you want to see a copy of prior exams left on file, only to find that one of your fellow-classmates made off with the goods. Those exams should not be left on the counter allowing easy access for thoughtless students to take. One major library improvement has been in reproducing cases. The copying machines have been dramatically improved.

The main bulletin board in 57 Worth Street contains messages concerning reading assignments, etc. This board becomes a bizarre mosaic in the beginning of each term. Perhaps it could be divided into sections, (i.e. upper classes or 3 vs. 2 credit course) so that students can find their classes in this sea of notes.

Once the semester is over, you can wait for your exams to arrive in the mail, or you can check the second floor bulletin boards. The school improved this process greatly by centralizing the results. You used to have to scavenge through four buildings to see if the grades were posted. But another problem remains. The grading procedures permits the instructor to increase a grade for class participation. This practice is not uniform. Some instructors do not even inform the class if they will adhere to this policy.

The process for evaluating courses and teachers could stand improvement. At present the school hands out a simplified questionnaire on the teachers' performance. The results are available only if the teacher releases

them, and they are in a form that does not allow for any comparison. It has been suggested that another procedure be implemented. The Student Bar Association (SBA) was going to prepare a simple questionnaire that merely asked if the students would recommend the teacher, the course material, etc. The result (in percentages) from all courses could then be summarized on one sheet. To my knowledge, this has not yet been implemented.

You will be (repeatedly) told that the founders of our school were quite progressive in their curricular approach to teaching law. Before I entered NYLS, I thought that it was a practical law school, offering an excellent basic law experience that utilized many of the local resources surrounding the school. Frankly, however, students and teaching seem to be less important at NYLS than pretending to create a new Ivy League-LA Law image. After three semesters, you will become familiar with the "routine" of the classes. Very few of us will ever appear before the Supreme Court. So why still concentrate on this curricular approach? Presently, you learn the required practical knowledge in the Law Review Courses (i.e., Pieper), and the required skills during your first year at work (rather than learning both in the boundaries of academia). I can anticipate their response. "We are only following the Bar's orders." But why does that mean that our administration can't seek to change the curriculum for the 21st century.

The area which gives the greatest opportunity for advancement is that of student representation and communication with administration. To date, no one, not even the SBA or the student representatives on the faculty committees inform the student body of any issues or progress occurring. No articles are written in the student paper, and no flyers are posted on the bulletin boards (except for blood drives). At least it is good to know that the SBA is an elected body, since the student representatives on the faculty committees are appointed by the Dean. This surely teaches us something about the administration's respect for representation. At freshman orientation you will probably be told to start thinking like a lawyer. But don't expect the school to treat you as an adult.

It might be interesting to see if the turn out will improve at the Dean's cof-

fee clatches if the topic is the students' curriculum and experience at NYLS instead of his impressions of the U.S. Supreme Court Members. Last semester, only a handful of students attended.

At commencement, the student speaker is once again chosen by the Dean. There is, at least, a pseudo-election where several students give their credentials and suggested topics. The Dean chooses one student from the top three candidates. I would suggest that the person with the most votes be allowed to speak, and that the other two students should respectfully decline. The reason that I was given why the students' first choice is not automatically selected, is that one prior student speaker mentioned some of the problems of obtaining jobs as part of the commencement speech. Even though there is no other outlet for discussion presently, the administration did not want such issues to be aired at commencement.

That was another reason for this article. Perhaps we can have a dialogue now, before we are at commencement. I have written two letters to the Dean. Neither have been answered. So I am suggesting that if students don't feel that SBA or their student representatives on the faculty committees are going to air any issues that are preventing their educational experience from being all it can be; that they send letters to **The Reporter**. The issues of the night students and mid-year students are one often discussed in the cafeteria, but no solution will be possible if they are not brought out into open discussion with the administration.

This letter is written in the hope that it will create some honest dialogue, so the NYLS will be known as a school that offers a dynamic and relevant law education; instead of its current reputation.

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BALLSA

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and confidence, such that the individuals may venture out into the community as future leaders. It provides a forum to minority students to express their views as well as provide a collective minority voice in the NYLS community. Furthermore, alerting the school community to the needs of minority students and subsequent recognition of those needs is a positive step towards nurturing outstanding academic achievement by minority students. Preserving the status quo at NYLS will defeat the purposes for which B.A.L.L.S.A. was created and, ultimately, the purposes for which the law school was established.

One obvious problem for minority students at NYLS is that their number and the number of minority professors do not reflect the composition of the community at large. Lack of role models can prove devastating to first year minority students especially when there are so few upperclass minority students and an even smaller number of minority professors. In order to alleviate this effect, B.A.L.L.S.A. engages its alumni members and members of other chapters to assist its minority members in all aspects of law school. The opportunity to meet individuals already successfully operating in the legal field as well as minority students from other schools is invaluable to the minority student both in terms of academic performance and personal pride.

B.A.L.L.S.A. is planning a number of activities designed to further its goals in the 1987-1988 academic year. A tutorial service for minority students, funded by our organization, will be implemented. Members of the organization as well as Alumni members will work on a volunteer basis to provide assistance to minority students in all first year courses, legal writing and a number of electives. These tutorial services will be offered to members whether or not they are experiencing academic hardship and will foster academic excellence by minority students and ultimately correct the apparent absence of minorities on the NYLS journals.

Additional programs on the '87-'88 B.A.L.L.S.A. agenda include a program to aid the elderly in the community and an outreach program designed to facilitate interaction between minority law students and minority college and high schools students by introducing them to a career in the legal field. In addition, committees have been formed to address the issues of retention, recruitment and financial aid in an effort to provide a support base for incoming minority students at NYLS.

It is important to note that many of the issues facing minority students at NYLS concern us all. B.A.L.L.S.A.'s goals together with greater minority representation in the student body and the faculty, and the support of the law school at large and the administration, will serve to enhance the entire law school community. Our organization cannot be effective without its members and without the support of the school converse with the members of B.A.L.L.S.A. We are located at 47 Worth Street, Room C104.

SUSPENSIONS

Continued from page 1

also in having Hamilton pay attention to the serious racial situation on campus," Krinsky said.

In the dissenting opinion, Judge Ralph Winter wrote "the sweeping opinion in this case subjects to federal judicial review virtually every decision disciplining students for disruption by a private college or university in the State of New York."

"Every independent college in New York will have to look at its disciplinary procedures," Carovano agreed.

Krinsky says the problem arose during the fall, 1986 term, when a black student received several death threats, and other black students said they were verbally abused by whites.

In response, Hamilton convened a campus forum on racism, which, the protesters charged, ineffectively addressed the problem. The forum, they said, was typical of the school's insensitivity to racial and gender issues.

When Carovano then refused to meet the students to discuss racism further, 50 students occupied a campus building for three days. When threatened with suspension, most left. The 12 who remained were suspended for 6 months.

In November, 1986, the 12 students sued, claiming Hamilton denied them due process by "selectively enforcing" rules against students who are "black, Latin, or gay" or supportive of "the rights of blacks, Latins and gays and without old family ties to Hamilton."

Krinsky said the definition of the hearings now required by the court will depend on the severity of the discipline imposed by an institution.

If suspensions are longer than 10 or 15 days, he explained, students must get the chance to reply to testimony, call their own witnesses, receive specific, written charges and have the sentence reviewed by an impartial fact-finder.

Carovano announced he will resign from his post, but, according to a Hamilton official, his decision was not influenced by the court's ruling.

The appeals court ordered a lower federal court to consider the students' claims. Hamilton College, meanwhile, is awaiting approval of its request for a hearing by all seven 2nd U.S. Circuit Court of Appeals judges.

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Environmental Law Society

The Environmental Law Society (ELS), will hold its next meeting of the year on Weds, Oct. 14, at 5:30 pm in room C-105 of the student lounge.

Brad, Buffy, and Biff outside a trendy grazing hole downtown...

Brad: I do think I'm still hungry—where is the Mer-ces-ies?

Biff: Really nice car Brad, but tell me again, why did you join ELS?

Brad: Well, after dad pulled strings to get me into NYLS, he told me to get into ELS or else...

Buffy: Was it for the old boy network?

Biff: Was it for the great experience and resume material?

Buffy: Or was it only for the money you could make after graduation?

Brad: (laughing) Dad knew that the only corporation that could afford to pay for my kind of lifestyle, year in and year out, would be one that would forgo short-term paper profits for long-term sustainability. Dad says planning for environmental requirements is cheaper than reacting to environmental disaster, and that capital to-

day is environmentally sensitive.

Biff: Here he comes with the Mer-ces-ies now.

Brad: Dad also knew that writing for ELS newsletter would help me hone my communication skills, and that I would learn about and apply many diverse areas of the law such as property, law, energy law, corporation law, law of the seas, and administrative law.

Buffy: Yeah, we know all that—but didn't I hear your dad talking about, you know, EARTH DAY, or something freaky like that??

Brad: (with a perplexed look gives the car hop a crumpled bill and snaps open the door for Buffy) You know Biff, that new Vol is awfully nice, too.

Yes, don't sell your future earning power down the drain along with paper profits: join the Environmental Law Society. ELS is looking for writers, facilitators, movers and shakes, capital conscious cartoonists, and generally all around good eggs to keep the tradition going. ELS is located in room C-105 in the student lounge; stop in or come to our meeting on Weds., Oct. 14 at 5:30 pm.

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