NEW YORK CITY
MONDAY, JANUARY 5, 1969

SBA, Faculty Establish 1969-70 Committees
BY MARVIN RAY RASKIN

On November 12, 1969, at a regularly scheduled faculty meeting, Dean Walter A. Rafalko announced the establishment of a faculty-committee system to function throughout the 1969-70 academic year. Almost simultaneously, Charles Adler, President of the Student Bar Association, announced the institution of a similar committee system within the student body.

According to the Dean, the eight faculty-committees will aid the students, faculty and Board of Trustees in regard to matters affecting all aspects of New York Law School. However, any proposals recommended by the various committees will be the subject of review by the Dean, faculty, and Board of Trustees.

The SBA is currently soliciting membership for its nine committees. The name of each is posted on the SBA bulletin board in the main lobby of the law school building. Students may sign their name and class to join one or more committees in which they desire to participate.

Mr. Adler indicated that there will be unlimited membership on each committee. The more students who actively participate, the more effective the respective committees will be.

The members of the faculty-committees are:

--Curriculum Committee: Joseph Koffler, Chairman; Louis E. Schwartz and John R. Hogan, Jr.
--Library Committee: Milton Silverman, Chairman; Andrew Simak and Cyril C. Luce, Jr.
--Programs Committee: Andrew Simak, Chairman; Vincent LoLordo and Sylvia E. Kelman.
--Rank and Tenure Committee: Dean Rafalko, Chairman; Joseph Koffler and Franklyn C. Setaro.
--Professional Conduct Committee: Dean Rafalko, Chairman; M. D. Kagel, and Joseph Koffler, Chairman Cyril C. Means, Jr. and Franklyn C. Setaro.

In addition, the Dean created a Faculty-Student Committee that will have jurisdiction to consider all matters affecting the law school's interest and welfare. The Dean will be the Chairman, Professor Koffler, Silverman and Means will also be members along with Mr. Harry Garvey, an alumni representative, and three student delegates.

Professor Joseph DiFede
Elect Civil Court Judge

Professor Joseph DiFede, a faculty member of New York Law School for fourteen years, was elected on November 8 to a judgeship in the Civil Court of Bronx County. He was endorsed by both the Democratic and Liberal Parties.

The Professor was one of five candidates running for the two vacancies. He won by approximately 54,000 votes.

Professor DiFede's political career began one year after he graduated from the University of Rochester, when he was elected to the New York State Assembly. He served one term and then moved to New York City, where he became a referee in the New York State Department of Labor. From 1936 to 1960, he held several positions in the Democratic Party, and in 1961 he ran for Comptroller of New York City with Arthur Levitt.

Professor DiFede has also served as a consultant to several joint legislative committees in the New York State Assembly and in the Court Reorganization, Labor and Industry Committee.

The Professor graduated from the University of Rochester a member of Phi Beta Kappa and Phi Sigma Iota Society, a national language honor society. In 1938, he received his LL.B. from St. John's University School of Law and two years later was awarded his J.S.D. degree.

During World War Two, he served as Labor Relations Advisor to the Allied Military Government in Europe. After the war, he was awarded the Medal of Freedom by President Truman and The Star of Italy, First Class, by the Italian Government.
Letters To The Editor

EQUITAS invites its readers to write "Letters to the Editor" on any topic relevant to the New York Law School and its community. Please adhere to the following guidelines:

- Letters should not exceed 150 words.
- They should not have been published or submitted for publication elsewhere.
- They must be signed, with the writer giving his or her name and address.

The newspaper will not publish anonymous letters.

EQUITAS reserves the right to edit and abbreviate letters.

To the Editor:

[Text of letter]

Sincerely yours,

[Name]

[Title or Position]

[Department or Organization]

[Address]

[City, State, Zip]

[Phone Number]

[Email Address]

New York Law School

Monday, January 16, 1987

Holidays Polarize Student Opinion

"Honour America Week" "Moratorium"

By JOHN HILGEMAN

Newspaper Polls

The holiday season has witnessed two major events which have been met by polarized student opinion at the New York Law School.

"Honour America Week"

President Nixon addressed the nation and appealed to the United States citizens of America to support his Vietnam policy. A few days before this announcement, the fraternities of the New York Law School, on November 28th, were designated to host "Honour America Week." The weeks will continue through December 5th. The fraternities should express their patriotism by defacing their dormitory headboards on December 3rd, the date of the President's address.

"Moratorium"

President Nixon's recent decision to publish a moratorium has received mixed reactions. The students of the New York Law School, however, were not impressed. Letters To The Editor, which are important constituents of the institutional community, students, faculty, trustees, administration and alumni, are published on a regular basis. The newspaper will enable the students to acquire a better understanding of policies, decisions and events of the Faculty Board and the Board of Trustees. The students will be able to offer some constructive thinking regarding law school problems which are of major concern to the Faculty and the Board of Trustees. It will enable the alumni to be brought up to date on what is now in the Law School and in the future, will establish a desire on the part of the alumni, students, faculty members, events and matters and events touching their lives.

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Curriculum Change

For the past few years the curriculum offered at the New York Law School has remained unaltered and unresponsive to the changing demands of the legal profession.

There is a definite lack of meaningful diversification and choice of subject matter to fulfill the varying interests of the students. At present, there are very few elective courses available. There are only options to take or not to take a given course.

Courses offered to students must reflect changes in the field of law and in society. As law and society become more sophisticated, there has arisen a need for specialization. The diminishing number of general legal practitioners is leading to the increasing demand for attorneys specializing in specific areas of the law.

It is imperative that our law school adjust to the needs of the profession by adopting a more responsive curriculum - one that will offer a diverse selection of elective courses available. For example, the Regents have imposed a requirement that the University offer a diverse selection of elective courses so as to enable the student to achieve a greater degree of specialization within specific areas of the law.

The Alumni Relations Panel.

The Alumni Dinner recently attended by both alumni and students raises a serious question. While a generation gap has probably always existed, a communication gap must never be permitted to exist, regardless of disparity in age, status or position.

Today, there is a communication gap extending between the alumni of New York Law School and the student body and administration. This can be remedied. Indeed, the first steps have already been taken. But progress must not be mistaken for success. There still remains a great distance to be travelled toward the achievement of our ultimate goal.

What is necessary is the involvement of our alumni, to a greater extent than previously, in the affairs of the student body and of the school itself.

EQUITAS strongly urges our alumni to join the Alumni Association. For those who are already members, EQUITAS urges that they increase their participation within that organization. Through the Alumni Association, working together with the members of the administration, faculty and students, the basic problems at our law school can be confronted and eliminated. Every alumni should be responsive to the needs of the school.

Judicial Power

Whatever the outcome of the Chicago 8 trial, one statement can now be made with certainty: the judicial power exercised by Judge Hoffman was far from being impartial or fair. Entrusting the judicial function to one who makes no effort to temper his animosity against particular defendants not only impedes the administration of justice but detracts from the dignity of the judiciary.

To say that a judge should be neutral is merely a truism. But until this basic premise of justice becomes judicial policy, it deserves repeating.

Judge Hoffman's reprimands against criminal defendants having political viewpoints at war with his own -- are clearly an abuse of judicial power. By judicial pre-eminence Judge Hoffman issued arrest warrants against the dismissed attorneys requiring them to appear before him, sentenced a defendant to four years imprisonment for criminal contempt and uttered intolerable attacks against the defendants.

Such conduct on the part of Judge Hoffman's failure to impartially exercise the judicial power vested in him.

It is hoped that when the trial is concluded, the Judicial Conference will feel compelled to evaluate the tragedy of Chicago. The histrionics occurring at the Chicago 8 trial elince the need to formulat more effective rules respecting the conduct of defendants and of judges who presume to be avengers of justice.

Alumni Relations

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'Advise and Consent'

By refusing to confirm President Nixon's nomination of Judge Haynsworth to the Supreme Court, the Senate implicitly confirmed the integrity of the 'Chicago 8.' Judge Haynsworth defeat is another indication of the Senate's increasing independence of Administration wishes.

In this singular and judicial instance of Senate power, the Senate functioned as a deliberating body, voting mechanically and predictably along party lines, the members deliberated with their conscience to determine whether Judge Haynsworth met the punctilious ethical standards demanded of a Supreme Court Justice.

The Senate majority, the ethical searchlight trained on Judge Haynsworth revealed that his conduct did not merit his elevation to our highest court. Ironical as it may be, however, his criticized behaviors do not differ significantly from the conduct of various righteous-thinking senators who screened his record and refused to confirm him.

With the vote taken, some Commendation is due to Judge Haynsworth, the man, for weathering the torrent of public debate and national comment. Throughout this ordeal, he stood fast on his record, challenging the Senate, as the keepers of the nation's conscience, to be the final arbiters in accord with the constitutional duty to "advise and consent."
FRATERNITY PRESIDENT

THE FRATERNITY FORUM

The subject of this column is motivated by a letter to the editor of OUTLAW, which appeared in this issue, from Mrs. Carolyn E. Demarest, a former student at Ann Arbor, Michigan, as the President of the PHI DELTA PHI Convention at Ann Arbor, Michigan, as the President of the PHI DELTA PHI Convention, I wish I too could be

KENNETH ZEBROWSKI

PHI DELTA PHI

A NEW TRADITION

BY CHARLES ADLER

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Special Interview
Judge Frosell Expounds On Issues:
From Ethics To Class Attendance

As a lawyer, judge, educator and prominent citizen of New York State, Charles Frosell has been dedicated to his alma mater, New York Law School, longer than any graduate, while teaching in the school in many capacities throughout the years. Judge Frosell has been a prominent jurist, his first appointment to the bench in 1937, after serving as a Special Assistant in the United States Attorney General by appointment of President Roosevelt. In 1950 he was elected to the New York State Court of Appeals on which he served until his retirement in 1963. As Chairman of the Board of Trustees, Judge Frosell is active in bringing a new direction to our law school, EQUITAS? Editor, Joel Slomsky, conducted this interview with the Judge.

MR. SLOMSKY: With the advent of the new Student Bar Association, EQUITAS, and other student organizations, what role do you feel students should play in the affairs of the school?

JUDGE FROSELL: Of course, I am all for the Student Bar Association, with the understanding that the students have their own governing body and that the Student Bar Association is a part of the student organization. What role do you feel students and student organizations should play in a law school?

MR. SLOMSKY: I am all for the Student Bar Association, my own concept of a law school is that the most important thing is the education of the student. They are our future judges. The Student Bar Association has the Board of Trustees plan and what role do you foresee the Board of Trustees playing in the future of our law school?

JUDGE FROSELL: We are now entering our 79th year. The American Bar Association has some students in the College of Law for some time recommended our affiliation with a college or university, as most law schools are. Pace College is on the way to securing university status. They have made tremendous progress in the last decade or more, and we believe that the affiliation will be mutually beneficial. When the Vietnam War is ended I am pretty sure that the law schools will be flooded with applicants. As the bar looks forward to that time, we have acquired a building very close to the bar courthouse, which we can use for such purposes as required, to provide for future expansion. We will require a larger faculty and we would like to see brilliant young scholars joining our teaching staff. With the broad background, strong alumni association and the excellent opportunities for further education, the law school will be in the forefront of the profession.

MR. SLOMSKY: You are concerned about the attendence of the students and the percentage of success of the students. Do you feel that this is a problem at New York Law School?

JUDGE FROSELL: I feel that they do not need class attendance, with the result for some, success is the fruit of intelligent labor, not attendance. The best tool of education is classroom instruction.

JUDGE FROSELL: With the advent of the new Student Bar Association, what role should students play in the school's activities for pay? When I went to the Court of Appeals, I was required to submit an affidavit listing my investments and it was a credit not only to your students, but to the Law School. We want your participation, but caution you to remember not to overwork in extra curricular activities so that you neglect your own studies.

MR. SLOMSKY: Recently there has been much controversy over judicial ethics, especially on our high court, and as a member of the New York State Court of Appeals, will the Board of Trustees be forced to adopt some new rules? Have you considered the role of the student in the courts?

JUDGE FROSELL: I certainly prefer the court to be run in a way that is fair and just. We have a very high bar and the youth of their generation. In a free society, we shall now carry on these controversies and go only to find new ones. This is the way of progress in a civil society.

MR. SLOMSKY: The bar is more specifically, I think it is the duty of a lawyer, and he can begin that as a law student, to become part of his community and to share his talents with his community. I think that many men in public life have done that and that it is a good thing. It is so long as good as we go, and it has helped in their success. Nowadays, the need is well known and if I firmly believe that every law student should do this, it is a great service to himself and his talents to the betterment of the conditions of the underprivileged in the areas in which he moves.

Continued On Page Eight

Seasons Greetings
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Joseph T. Arenson: Adjunct Professor of Law

BY BRUCE PITMAN

This is the first in a series of articles on the adjunct professors of law teaching at our law school. Our purpose is to acquaint students and alumni with our faculty.

Since 1948, Professor Joseph T. Arenson has been a lecturer and Adjunct Professor of Law at New York Law School. Presently, Professor Arenson teaches Wills and Deedscouns; Estates and in Emancipation of Minors. He is acknowledged throughout the state to be one of the foremost practitioners in his field. In the past, he has also taught the Surrogate’s Court Practice and Procedure.

Joseph T. Arenson

law is the case method combined with intensive instruction. He feels that a recognition of the legal principles in the case and their application to the facts should be stressed, rather than the mere mechanical process of arriving at the case decision. Though he is aware that the law is constantly changing and that cases must be analyzed in relation to this change, he noted that some courses lend themselves to theoretical discussion, while the majority of others deal with explicit legal principles, which tend to be absolute in form, and not adaptable to long debate.

Finally, one pleasure of Professor Arenson is in meeting former students and hearing about their careers in the law. He takes pride in the achievements of his graduates and points out that within the last fifteen years several former students have succeeded in the bench or in justices of the New York State Supreme Court and Judges of the local Civil and Criminal Courts; one has even been elected to the House of Representatives; and several are presiding judges of the State Legislature. Many others are enjoying responsible positions in the city, state, and federal governments.

After answering the first question, "What am I doing here?" the next question is usually: "What will I do after I get out of here?" New York Law School students have been confronted with this latter question for years, but finally a service has been organized that may facilitate an answer.

Through the efforts of Dean Rabin, who organized a successful placement service at Duquesne, and the Student Bar Association, a new service was launched by Mike Kanikos, the Flatbush Section Secretary. The Service helps students to find their own careers in the legal profession. In addition, it organizes a job fair for students in the fall of 1970.

The Service operates by means of student applications, Through them, Service Counsellors discover areas of student interest and develop means of communication. The Service also hopes to obtain information for students in the fall of 1970.

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New York Law School Placement Office

TO THE MEMBERS OF THE LEGAL COMMUNITY:

The New York Law School Placement Office has been established to facilitate an organized placement service at Duquesne, and the Student Bar Association is shortening its operation to cover areas of student interest. The successful functioning of the organization depends upon a positive response from both students and alumni.

Joe T. Arenson has been teaching at New York Law School for many years. The West Publishing Company has already distributed the new book to Law School Faculty Members. A few days ago, Mr. Mulry, who wrote that West was "confident that this scholarly New Hornbook will meet recommendations to your students for the best reading and reference purposes."

West Publishes Hornbook By Koffler and Reppy

Mrs. Yeona Mulry of the West Publishing Company recently announced that next week's Hornbook, "Common Law Pleading," by Professors H. Koffler and the late Alison Reppy,

Professor Reppy was a former Dean of New York Law School. Prior to his appointment as Dean, he had been teaching at our law school since 1948.

Arenson succeeded him as Professor of Law in 1953. Mr. Arenson's care er bears a close resemblance to the Horatio Alger tradition. He began as a clerk in a law office. Working days in order to secure sufficient funds for tuition, he attended evening high school and college and law school. Upon his graduation from Brooklyn Law School, Professor Arenson secured the position of clerk in the office of Joseph A. Cox. After being admitted to the bar, he joined his former employer in forming the law firm of Cox and Arenson.

When Mr. Cox subsequently became a judge of the New York State Supreme Court, Professor Arenson succeeded him as Counsel to the Public Administrator of New York County, Seventy years thereafter, he received his doctorate from Leiden University in the Netherlands. When asked how he would compare the students of today with those whom he attended law school, Professor Arenson stated that "Although a liberal education today want a legal education, their perspective has changed. Their needs while also fulfilling his conception of the lawyer's role. An attorney, he believes the current student..."
The income-Averaging Method permits a portion of an unusually large amount of taxable income to be taxed in lower brackets, thereby resulting in a tax saving. This is accomplished by the rules and regulations governing the income-averaging method, which are to be found in sections 85-100 of the Internal Revenue Code. To be eligible for the benefits of the averaging provisions, the taxpayer must either be a citizen or resident of the U.S. during the ten years preceding the tax year. A nonresident alien does not qualify. This method is only available to individuals. Thus, corporations, estates and trusts cannot qualify. Furthermore, income averaging cannot be used by "new taxpayers," that is, those who have recently joined the taxing ranks.

Generally, a taxpayer must provide 50% or more of his own support in order to qualify for averaging. This is to prevent the accrual of averaging advantages to high school and college graduates whose incomes tend to fluctuate upon beginning their first full-time job after graduation. This support requirement is eliminated, however, if a taxpayer is at least 25 years of age and his taxable income for the tax year was not a full-time student for at least 4 years since age 21. Thus, income-averaging will not be lost solely because of unemployment.

Income averaging gives across-the-board relief, it is used by average taxpayers, accountants, real estate brokers and executives, as well as by actors, senators, athletes, etc. Averaging applies generally to all types of income with these exceptions:

1. Long-term capital gains (2) not income from gift and inheritance property, if in excess of $3000; (3) not wagering income. If a reduction of the over-all tax burden is of general economic interest, capital gains are eliminated.

The old tax system was introduced in 1944 to reduce the complexities of itemizing. However, the tax burden was shifted from 35% income tax surcharge, lowered from $1,000 to $2,000 by 1972. As for 1970, the new rates provide a maximum effective rate of 50%, a lower standard deduction with a ceiling of $1,400 and in 1971 there would be a minimum standard deduction of $200 plus $100 per exemption. Since the new low-income allowance features, the new $2,000 would still be taken as personal exemptions, but a $1,000 tax exemption would be useful instead of the $600 standard deduction, resulting in a total exempt income of $3,500 (the new $2,000 tax exemption applied to the low old tax exemption over the old law.

This law was introduced in 1969. There is no indication that the new $2,000 was intended for this purpose. In 1970, the tax provisions were again reduced to 50%, a lower standard deduction with a ceiling of $1,400 and in 1971 there would be a 4% increase in the standard deduction, lowering the ceiling from $2,000 to $2,350 due to rising costs and salaries. The new bill would increase the 10%, standard deduction to 15% and would apply to the tax year 1970. The bill proposes to reduce the marginal rate by 25%, to 50%, or more in every category by 1972. The new rates range from 15% to 50%, a maximum effective rate of 55%. Although the tax rates have been reduced, the average taxpayer will still be left with $1,000 which has been extended through June 30, 1970.

Nevertheless, this still results in a tax saving, as only a 25% tax would be applicable to the tax year 1970. The present maximum tax on earned income is 70%. With a 25% reduction on the $3,500, the new bill proposes to reduce this amount to 50% under the present $1,000. Furthermore, there is no reason to make a motivation for tax avoidance by top bracket taxpayers to use the income-averaging tax-avoiding. In profitable activities or convert what otherwise would be taxable income to capital gains for the purpose of obtaining a lower tax rate on such gains.

The old "head of household" classification would be replaced by a "joint return" tax rate schedule. The rates between the two schedules will be the same. Besides, but in addition to previously covered parties, single persons over the age of 65 would now be included.

Joint return rates will be permitted to be used by surviving spouses where a child was not a full-time student. This provision extends the previous two-year surviving spouse provision.

Judging period for long term capital gains and losses will remain at six months, although it will be possible to have this time extended to one year. However, since long term gains are currently taxed at a rate of 50%, the bill proposes to further reduce the rate of the long term capital loss, in contrast to the