**Equitas Wins First Place in American Bar Ass'n Contest**

**Loans And Grants Made Available To Law Students**

**Placement Efforts Continue**

**The Award Winning Student Newspaper of New York Law School**

**The AWARD WINNING STUDENT NEWSPAPER OF NEW YORK LAW SCHOOL**

**AFFILIATED WITH PACE COLLEGE**

**PUBLISHED JOINTLY BY THE STUDENT BAR ASSOCIATION AND PHI DELTA PHI affilated with pace college, copyright, new york law school, september 1970**

**Friday, September 26, 1970**

**Volume 11, Number 1**

**EQUITAS has won its class in the American Bar Association Law Student Division Student Bar Association contest for the school year 1969-70. EQUITAS and Argus, the law school newspaper of the New York Law School, have both won in the first place in the student press division of the Law School Legal Opinion Contest. The winning entries for the Law Student Division were announced as the concluding Awards Dinner at the annual meeting of the division last month.**

**The winning entries and their creators were: Student Bar Association, Washington College of Law; American University Student Bar Association Project; Marshall-Wythe School of Law; New York University; University of Maryland - Best Student Bar Association.**

**EQUITAS has been the law school newspaper of the New York Law School since its first issue in 1969.**

**The Editorial Board and the entire student body are pleased with the response to our newspaper. We are proud of our student journalists, Dean Rafaelo, and members of the full-time faculty who have taught us the courses taught by each of them. These introductions were followed by brief addresses by leaders of the student organization of the school, simultaneously greeting the new students and urging them to take on the role of active student activity.**

*After a brief callation at which coffee, sandwiches, and cakes were served in the main lobby, the first-year students reassembled on the fourth floor to hear an address by Prof. John Thornton on the development of law, polishing out the extensive ties between modern juridical science and Roman, French, and British legal systems. This address was immediately followed by a lecture by Prof. Joseph Koffler on effective study habits in the law school, including how to brief cases, take notes and write legal examinations. This lecture concluded the first day’s activities. The first-year students assembled on the following day at 12:30 p.m., in order to hear in-depth lectures by Professors Schwartz and Degan on their respective aspects from the viewpoint of the judges, from whom they accept their students. Each professor assigned certain cases from the casesbooks to be continued on page four.*
Dean Rafalko's Message To New Law Students

Permit me to take this opportunity to extend to you, the incoming class, our hearty welcome to the Law School. As of now, in effect, you have entered the members of a distinguished legal profession. The next three years in the Law Division and the next four years in the Living Division are the most formative and important years of your lives because they enable you to shape the form of your legal careers. The time you put in your studies and the study habits you develop will determine ultimately what you will get out of your legal education. Depending upon what one pours into the glass, the drinker is able to draw. So, in your course of study at the law school, fill your glass of legal knowledge to the brim so as to be ready for your future legal challenges — what you feel are the priorities of our times.

For years, New York Law School has had an outstanding reputation with the bar, bench and the general public. You will find when you practice law that many excellent attorneys, judges and legislators are graduates of this Law School and that this distinguished Faculty teaches you how to become competent lawyers.

This year, the number of applications far exceeds those of last year and you should be congratulated upon your admission for the reasons which your records indicate you have the potential to become first-rate attorneys. Take advantage of the opportunity that has been presented to you, study diligently and wisely, study and work to make the law reasonable, just and responsive to the needs of our Society.

The Law School has the responsibility to provide you with the best legal education possible. Logically, you will be expected to extend yourself in the course of your legal analysis. The Law School uses a combination of the case method and problem solving as the basis of your instruction. This technique you will learn, is referred to as the case method of instruction. You will be learning and analyzing what the law is — whether it is statutory law enacted by the legislature or law established by judicial decision. The case method has created standing practitioners of the law and legal technicians and in consequence, the realities of law practice.

Another school of thought advocates the social-oriented or policy-oriented approach to legal education. It is concerned with the role of law, the structure of society and policymakers for the future. The emphasis would be to adjust law school curriculum to turn out sociologists and political scientists. They would make the law school a graduate school for social planners and would be turning out non-lawyers, researching in other interdisciplinary fields.

The first approach recognizes that law is stable but changes may be made within the legal educational system, if necessary. This year we are including within our curriculum a broader base of electives to relate to community concerns. Students will have the opportunity to elect such courses as Consumer Law, Labor Law, Civil Rights and Liberties and International Law. The addition of these electives will in no way interfere with required substantive and procedural courses that the Faculty believes are necessary to prepare a student for the ultimate practice of law. Recently, "Law Students" by student have been made to the administration and faculty. They have touched upon such problems as curricula, class schedules, grades, examinations and moot court, and have made suggestions to improve the legal education process and, if possible, they will be honored. It is the Faculty's desire that the flow of communication open to them and to their responses to those segments of the law school family that have the responsibility for making the ultimate decisions. The channels of communication available to law students are numerous:

(1) Present your requests to the Student Bar Association.
(2) Present your requests through the Chairman of the Faculty Committee affected.
(3) Present your requests to the Faculty — Student — Alumni Committee.
(4) Come in and talk to the Dean personally.

Thus, law students have the means available to them for communicating to the Faculty and Board of Trustees about any instantaneous problem concerning student welfare. The Standards of the American Bar Association for Legal Education requires that the principal function of the Faculty is in the formulation of guidance and educational policy in the recruitment of faculty members, and in matters relating to student admissions, scholarships, and discipline.

It is the Faculty which makes the final decision on matters affecting educational policy. Similarly, the Board of Trustees, pursuant to appropriate action by the New York Board of Trustees, is charged with the responsibility over the physical facilities, approves the fiscal budget each year, awards degrees and disposes of any other matters as may come properly before it. The role of the Dean is to serve as the mediator and chief administrative officer of the institution.

Our instruments provide that the Board of Trustees and faculty on the most recent school developments and to outline plans for the future growth of the Law School. In addition, it is the Faculty's privilege to see to it that the rules and regulations of the American Bar Association of Law Schools, the New York State Education Department, the New York State Board of Law Examiners and the New York State Court of Appeals are not being violated. It is for this reason that some of the student demands may not be granted because they would come in direct conflict with the Court of Appeals rulings or the State Board of Law Examiners rulings of the aforementioned associations' rulings and regulations. For example, the New York State Education Department requires that:

(1) Institutions shall be responsible for insuring that credits for each course shall be earned only upon completion of the requirement for the course and demonstrated student accomplishment.
(2) The Court of Appeals has decided that under Rule 4 of the Rules of the Court of Appeals for the admission of attorneys and counselors at law an application for admission to the bar must be approved by the New York Court of Appeals before a student is considered to have been approved law school and successfully completed its program.

The Faculty is aware that the number of classroom periods is limited and the number of classrooms is limited.

(2) a final course examination whenever such examination is appropriate to test the student's understanding of the content of the course(s) involved.

In other words, no applications for admission under the applicable rules is permitted to use an examination for admission to the bar of the State of New York.

Because he has first taken as been issued by an aubtive written examination in each course of study in accordance with previous practice in this regard.

In short, what the means in this written examinations will be required and that regular the attendance is to be taken. Therefore, any requests for changes by the law students will be reviewed by the faculty, administration and Trustees, and the discussion and conclusions continued.

Continued On Page Eight

DEAN WALTER A. RAFALKO

Advice To First Year Law Students

BY MARVIN S. KRAMER

Help! This is the ever familiar cry. Helping law student shortly after he begins his journey through a rising ever increasing judicial quagmire of legal decisions, opinions, articles, discussion and debate. What is law, and where is it going to end? Is what the practice of law is all about?

Many entering law students quickly lose their fervor and excitement over becoming another Perry Mason (whose courtroom antics have become legend) or most of whom will never be permitted in modern courts of law); a judge for the Defense (a millionaire, who practices law like a hobby), dreams of grandeur and notoriety quickly fade in the face of countless numbers of cases, the points of which become obscured by fear that you might be lost there are a million lawyers. Today's law student is of a different breed. He is more dedicated, more committed, more answering to his legal train ing. After "eight" hours of work he is well known in our society. His goals are redirected from defending the corporate magnates to the defense of an unpopular client, such as Charles Manson or a Black Panther. He is more than merely a lawyer. He is a true lawyer. Because he is not only clever in his desire to change the system rather than destroy it.

Before any of these numerous goals can be realized, however, before he can help others, the first and most important step to remember that he is the first to help. He accustomed himself to learning off while in college reading classes, to cramming it all into his mind. However, his habits should be broken and the state of caution should be injected. Keep on top of your work, do not let it get out of hand. Wherever possible he must make sure that he is looking ahead. Be sure that his work and try to put it all up at the last minute before manage to scrape by, while others fall by the wayside. One of the characteristics of being in a large class is that many students never will make it to graduation. Did you notice the people sitting, left and right of you? The chances are good that either the reason for both of them will not graduate with you.

Few individuals will dispute that act that self-help is the best help. Nobody has found only help available by self-help. I mean that you should make it as hard as possible. True, much of the work you may never come across.
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WHAT HAPPENS NOW

Last May, every law school in the country came face to face with something many had never seen before, law students. We showed for the very first time that we were more than automatons who came to class, briefed cases and worried about Contracts 2. The very same professors who didn’t know seat 32 from 56 were made to realize that we too have a share in the world around us. The world we are being taught to govern.

CONSTRUCTIVE CHANGE THROUGH DISSENT

"No American young or old must ever be denied the right to dissent. No minority must be muzzled. Opinion and protest are the life breath of our democracy - even when it blows heavy."

Lyndon B. Johnson

Projects were planned, committees were organized and teams were chosen, to do our share to correct the mistakes and imbalances that have arisen under less enlightened generations. We had the support of administrations and examinations were cancelled or postponed. Now it is September, a new year but where are the plans of yesterday. The ideas were good, let’s do our share and go to work on them.

"DEAR ENTERING FRESHMAN"

"No American young or old must ever be denied the right to dissent. No minority must be muzzled. Opinion and protest are the life breath of our democracy - even when it blows heavy."

Lyndon B. Johnson

Extremism in the proper time and place is a virtue. But it can only be considered such in retrospect. The strike last spring at New York Law School has had far reaching affects on the Law School Community that should not be overlooked or considered insignificant in light of the action taken by other institutions.

Prior to the ruling on final exams last semester by the New York Court of Appeals, the faculty of New York Law School unanimously supported the goals set forth by the Law School Ad Hoc Committee for Peace. Such support was not obtained by what many students thought was a threat to obtain this end by any means. Support was voluntarily offered based on the faith of the faculty in the student body. The faculty and students are finally getting tight in stead of up-tight. The communication between the faculty and the student body is becoming quicker and clearer. There is a drastic change in the atmosphere of the school. The faculty is ready, willing and able to meet the needs of the students and to facilitate not hinder constructive reform.

Last year Dean Rafalko created the faculty-student committee in order to consider all matters concerning the interests of the Law School and the student body. Here student representation will serve to even better the communication between the student and the faculty and Board of Trustees. Electives are now a fact of life at the Law School and not merely the theme of futile verbiage of a graduating senior. Such initiative illustrates that there is not only a willingness but a desire on the part of the administration to aid in instituting reform measures here at the Law School.

We as students owe a duty to the administration to continue to present reasonable proposals for change within the school. If we remain apathetic about the interests of the Law School and the student body. Here student representation will serve to even better the communication between the student and the faculty and Board of Trustees. Electives are now a fact of life at the Law School and not merely the theme of futile verbiage of a graduating senior. Such initiative illustrates that there is not only a willingness but a desire on the part of the administration to aid in instituting reform measures here at the Law School.

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Last semester at the outset of the student strike many upper-classmen were indifferent and the lethargic jump on the bandwagon. When unity of the movement was attained and a semblance of organization maintained a constructive effort was well under way. It is therefore incumbent upon the students, in order to maintain the support of the faculty, that we abolish and function as a harmonious group. Reform is forthcoming only if we present feasible proposals backed up by the strength of a unified student body.
FRIDAY, SEPTEMBER 25, 1970
NEW YORK LAW SCHOOL PAGE FIVE

FRATERNITY PRESIDENT

PHI DELTA PHIL

By Ed Ryan

A law school curriculum is of great importance to each individual law student. The trend today is toward more elective courses during which the fundamental subjects of the first year of study are taught. Thus, the law student can choose the direction and mold the character he desires.

ED RYAN

number of electives available will be increased and improved during the second semester, to conform to the requirements of the student and the academic community.

When this occurs, you, as freshmen, should seek help from the members of the faculty, or upper-classmen who would usually be very happy to render such assistance to you.

The Brothers of Phi Delta Phi, New York Law School Chapter, will be more than pleased to assist you in matters pertaining to problems of coursework. They are friendly, and are always willing to help you. The Brothers are always ready to answer questions - it may be the only way you will ever find out the answer.

There are many members of our law school community, I should just like to mention that to those with whom you come in contact outside of school, you not only represent New York Law School, but also our school. In many cases, one person can make an impression which is good. You will find this will help you more than you think. One of the Brotherhood of Phi Delta Phi, I should like to think, is to refresh the minds of students a happy, healthy and successful year.

A TALE:

"Foibles Of A Freshman"

By Joel Harvey Slomskey

It rained lightly on my first day of law school. But its misty presence certainly could not be ignored. After all, rain always appeared the first day of every semester. I attended, as I recall, I ignored its current intrusion; not intentionally though, but because this time I was diverted by something more urgent-casebooks squeezed into my now-to-be-abbreviated arm to stretch-to ST-R-E-T-C-H! The pain multiplied; but somehow I endured it. Why?

Because in my arms the familiar covers of books and pamphlets were years of condensed knowledge-written for bewildered beginners with aiming arms.

An alert mind, I remember, courageously weathered two days of orientation. The atmosphere was belligerently friendly. Professors, draped with smiles, smiled, gave spirited talks aimed at stimulating and motivating our novice minds. I recall thinking then, as I do now, if only they remembered their orientations, maybe they would realize that this ritual, from the students viewpoint, is an empty and burdensome affair, this recurring ceremony.

Yet, the experience confronting me caused a strange, but welcomed anxiety. I was clothed with doubts. The challenge spanned three years; No rainbow was visible at the end of this road, but perhaps not there would be another instant of “pot of gold” awaiting. But the lawyer “mystique” had so absorbed my imagination that I was compelled to follow the path ahead and proceed.

"What is the Law?" was the giant, simple question puzzling me. In college I had taken such courses as Constitutional Law, which had introduced me to the work of eminent Supreme Court Justices. I understood that “a law was, as the revered Holmes had succinctly pronounced, ‘that a man cannot say “fire!” in a theater. Yes, I wondered, why did it take an isolated instance of Holmes’ brilliance to state what plainly appears to be a common sense assertion?

The first day of classes burst upon me as sadly as sunlight pierces through an open window. Your typical law school schedule is awed by the vast majesty structure radically admired by famous quotations. I felt engalized by a strange omnipotent phenomenon, by an unyielding and immovable backbone. The challenge spanned three years. The path that I would be winding was not, as advertised by the revered Holmes, and not, as the text books and pamphlets were always convinced me to conduct, by a tacit compunction noun - the law.

I sat in class silently, at times glancing at other students. All seemed geared by a degree of anxiety. The professor entered. He explained: "Brief the cases. stay ten ahead, be prepared when called upon." The class ended. I loosened my tie and found home to begin to brief, brief, brief...

"Good Grief!" I muttered as the professor roared my name and bellowed. "STATE THE CASE!" "Well sir," I retorted nervously while standing. "The facts are... OH! I replied puzzled. "That fact is not important! Sir. You’re right. Sir. The holding is... OH! I said summarizing. "THAT is not the holding?"

By Joel Harvey Slomskey

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In 1965 then Lehrer's record, "What Was the Year That Was," popularized his song, "Pollution." This farmor Harvard mathematics professor was then in the vanguard of those concerned with the ravages industrialization and urban neglect had wrought on our environment. In the brief period since then this issue has become the political glamour girl, avidly embraced by all and effectively dealt with by now.

Traditionally the common law remedy for environmental pollution was the action of nuisance or trespass brought by an aggrieved property owner or one having an interest in property against the polluter. The most serious limitation of these actions was that since there were "private wrongs" if the suit was settled privately, the polluter could continue its activities. Moreover, if action was not started timely, the statute of limitations would run against the claimant. Inheritance of this remedy is the view that the air and water are free and the social costs were absorbed by the population at large. Only if there was specific damage to or trespass upon a given piece of real estate did any harm be redressed.

This dilemma was pointed out by the New York Court of Appeals in its recent decision in Sooner v. Atlantic Cement Co. (March 4, 1970). The court overruled the long-standing doctrine in this state in nuisance actions that the courts would not "interfere with the equities" and held that it was the right of the owner of property in playing hundreds of people in order to redress the "private wrongs." The court held that if the industrial activity created a pollution hazard, the solution lay in proper governmental regulation and should not be the subject matter of a private suit. However, it also held that it was not a sufficient factor in this decision the economic stagnation that part of New York State where the plant is located.

While permitting private individuals to take legal action, the public interest in anti-pollution activities requires that the general public not be faced with the misapprehension that the courts could or should be the judge, jury and executioner of all such actions.

This is the first of a series of articles to be written by members of the Property Law Section of the New York Law School on or about recent developments in the law of property. The first seminar will be conducting a voluntary seminar on the subject "Private Rights Through Law" in that field.
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Criminal Negligence: An Approach

by ROBERT C. EDMONDSON

The Editorial Board of EQUITAS recognizes the need to express opinions concerning current issues of significance. In conjunction with WCBS Radio we are reprinting the following editorial with the full support of our staff and invite your comments.

Marvin Ray Raskin
Associate Editor

There are disquieting overtones to Attorney General John Mitchell’s warning on student support for political candidates in the elections this Fall. He said such backing could aid the opposing candidate.

As the President’s chief campaign strategist in 1966, the Attorney General probably remembers Mr. Nixon’s public stance on the problem of student involvement in social issues.

“In the Nixon Administration,” said Mr. Nixon before he was elected in 1968, “students will have a better alternative than to take to the streets to protest. They are going to have a piece of the action.”

Isn’t Mr. Nixon’s campaign position at odds with the Attorney General’s statement on the same topic this week?

What standard should be imposed in order to determine “gross” deviation from reasonable care? Do we accept the Vehicle and Traffic Law as a standard to determine degrees of negligence as a requirement for criminal negligence? The New York Legislature, in defining the degree of criminal negligence, states that “Criminal negligence is therefore something more than the slight negligence necessary to support a civil action for damages. It means, disregard of the consequences which may ensue from the act.”

Here, the Court has specified a conscious disregard (or what amounts to recklessness) as a requirement for criminal negligence. Most courts have followed Alpaugh for a better solution.

Later decisions stress that the act or omission must be a conscious disregard (or what amounts to recklessness) of the probability of causing death or serious physical injury. The New York Legislature, in its definition of degrees of deviation from reasonable care, believes a reasonable man would have acted or taken no action if he were to succeed, but you will find the study of law is a jealous mistress, You have to make much time to partici­pate in the law students. The law is the exercise of reasonable care, and you will find the study of law is the exercise of reasonable care.

Continued From Page Two

Dean Rafalke’s Message To
New Law Students

With the American Red Cross.

In Mr. Mitchell’s words, “If all those kids come off the campuses and can­cels for a candidate, it might urge people to vote for the other candidate.”

The Attorney General indicated that voter antagonism might follow even with out students picketing or otherwise demonstr­ating on behalf of a political can­didate. He suggested that the voter beak lath might come into play if a candidate was identified with students who had participated in the protest movement.

The implication of Mr. Mitchell’s re­marks seems to be that he does not re­gard mass political activity by student as a desirable objective in itself.

If this is a correct interpretation of his position, we hope it is not shared by the President or other leading members of his Administration.

In 1968, Candidate Nixon noted pub­licly that many young people, as he put it, “feel frustrated by the lack of com­munication with the power structure.

Attorney General Mitchell’s comment on student political activity will not do­ing to reduce the sense of frustration of these young people.

WCBS RADIO

Student Bar Association, Delta Phi Epsilon Fraternity (male), Delta Delta Delta Fraternity (female), Pi Kappa Delta, Law Forum (legal social) and many other social activities. If there is anything that the Law School faculty, trustees, faculty and administra­tion can do to make your time here as enjoyable as possible, you can come in and talk to me, J. Dean’s office is always open to the law students. The same of the Law School in the past has been due to the dedication of the law school faculty and student, we expect you to bring some of the same spirit to further improve the image and reputation of the New York Law School to continue on to greater achievements in the future. Again, welcome to your law school, home away from home.

Walter A. Rafalke
Dean

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Page Eight

NEW YORK LAW SCHOOL

Friday, September 25, 1970

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